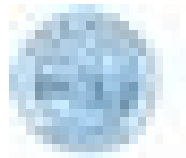




# **CITY OF DETROIT 23RD QUARTER STATUS REPORT**



To The  
Independent Monitor

*FOR THE QUARTER ENDING  
MAY 31, 2009*

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**DAVE BING**  
MAYOR, CITY OF DETROIT

**JAMES R. BARREN, PH.D.**  
CHIEF OF POLICE

# TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>2</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>2</b>
<b>CONDITIONS OF CONFINEMENT.....</b>	<b>13</b>
<b>USE OF FORCE.....</b>	<b>60</b>
<b>CONCLUSION .....</b>	<b>129</b>

## INTRODUCTION

On July 18, 2003, at the request of the City of Detroit (City), the Detroit Police Department (DPD) and the United States Department of Justice (DOJ), the U.S. District Court for the Eastern District of Michigan entered two Consent Judgments (CJ), one dealing with *Use of Force, Arrest and Witness Detention* (UOF CJ) and a second regarding *Conditions of Confinement* (COC CJ).<sup>1</sup> This report describes the progress made by the DPD in complying with the requirements of the CJ paragraphs during the 23<sup>rd</sup> quarter. This report contains the status of each substantive provision of the CJs, including all steps taken to achieve compliance during the 23<sup>rd</sup> quarter, which began March 1, 2009, and ended May 31, 2009.

## EXECUTIVE SUMMARY

During the 23<sup>rd</sup> quarter the DPD continued its efforts to attain substantial compliance with each of the requirements contained in paragraphs and subparagraphs of the CJs. Of particular significance is that the DPD's Command Level Force Review Team was established and has commenced conducting reviews of critical firearm discharge investigations.

The DPD and the DOJ continue to meet twice each month to discuss each substantive CJ paragraph where substantial compliance has not yet been achieved, as assessed by the Monitor, in an effort to identify any issues and work collectively to eliminate barriers that may exist that appear to hinder the DPD's progression toward compliance with the CJs. The Monitor also participates in these meetings. These meetings provide a forum to cooperatively and openly discuss specific challenges and complex issues that are required to be addressed before compliance is achieved.

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<sup>1</sup> During the seventeenth quarter, U.S. District Judge Julian Abele Cook Jr., granted the City of Detroit an extension for the City of Detroit to comply with both consent judgments. For the UOF CJ, the City of Detroit is required to have substantially complied with each of the provisions of the agreement by July of 2009 and maintain substantial compliance for at least two years. For the COC CJ, the City of Detroit is required to have substantially complied with each of the provisions of the agreement by July of 2010 and maintain substantial compliance for at least one year.

## GLOSSARY OF FREQUENTLY UTILIZED ACRONYMS

Following is a listing of acronyms utilized in this report:

AT - Audit Team	HCCC - Holding Cell Compliance Committee
BOPC - Board of Police Commissioners	IA - Internal Affairs
BOR - Board of Review	IMAS - Interim Management Awareness System
CBS - Cell Block Supervisor	ITS - Information Technology Services
CCR - Citizen Complaint Report	JIST - Joint Incident Shooting Team
CDDT - Curriculum Design and Development Team	LP - Lesson Plan
CEPP - Comprehensive Emergency Preparedness Program	MAS Management Awareness System
CFD - Critical Firearm Discharge	MCOLES - Michigan Commission on Law Enforcement Standards
CJ - Consent Judgment	MITN - MCOLES Information and Tracking System
CLO - Compliance Liaison Officer	OCI - Office of the Chief Investigator
CME - Confidential Medical Envelope	OIC - Officer in Charge
CMMHSP - Comprehensive Medical and Mental Health Screening Program	OCR - Office of Civil Rights
COC CJ - Conditions of Confinement Consent Judgment	PDDSL - Platoon Daily Detainee Summary Log
DCCL - Detention Cell Check Log	PEERS - Performance Evaluation and Enhancement Review Session
DDHWP - Detroit Department of Health and Wellness Promotion	PI - Performance Indicator
DDMHIL - Daily Detainee Meal and Hygiene Items Log	PSA - Public Service Announcement
DFD - Detroit Fire Department	RMB - Risk Management Bureau
DFF - Detainee File Folders	SIR - Supervisor's Investigation Report
DFO/PDO - Detention Facility Officer	SME - Subject Matter Expert
DIF - Detainee Intake Form	SMT - Senior Management Team
DOJ - Department of Justice	SOP - Standard Operating Procedure
DPD - Detroit Police Department	TA - Technical Assistance
DRH - Detroit Receiving Hospital	UOF - Use of Force
ERP - Emergency Response Plan	UOF CJ - Use of Force and Arrest and Witness Detention Consent Judgment
FI - Force Investigation	WCPO - Wayne County Prosecutor's Office
FSP - Fire Safety Program	WCJ - Wayne County Jail

The following areas of the CJs are reviewed, respectively, in this quarterly report:

<b>CONDITIONS OF CONFINEMENT</b>
• Fire Safety Policies
• Emergency Preparedness Policies
• Medical and Mental Health Care Policies
• Prisoner Safety Policies
• Environmental Health and Safety Policies
• Policies Concerning Persons with Disabilities
• Food Service Policies
• Personal Hygiene Policies
• Use of Force and Restraints Policies
• Incident Documentation, Investigation and Review
• External Complaints
• General Policies
• Management and Supervision
• Training
• Monitoring and Reporting
<b>USE OF FORCE</b>
• Use of Force Policy
• Incident Documentation, Investigation, and Review
• Arrest and Detention Policies and Practices
• External Complaints
• General Policies
• Management and Supervision
• Training
• Monitoring, Reporting, and Implementation

## POLICIES

The DPD has revised and/or developed twenty-six (26) Directives, seven (7) Training Directives, and one (1) Discipline Matrix to address specific CJ paragraph requirements. All of these documents have been reviewed by the Monitor and/or the DOJ's subject matter experts (SMEs) and have been, subsequently, approved by either the Monitor and/or the DOJ. All of the aforementioned documents have been distributed to all DPD members.

## TRAINING

The following lesson plans have been developed to address the training requirements of the CJs.<sup>2</sup> Listed below are the lesson plans and current status of each.

<b>Lesson Plan (LP)</b>	<b>Date Monitor Determined LP Met CJ Requirement</b>	<b>DOJ'S Date of Approval</b>	<b>Date Training Commenced</b>
<i>PR-24 baton</i>	11/29/2005	Not applicable	11/29/05
<i>Use of Force</i>	11/9/2007	Not applicable	8/4/2008
<i>Firearms - Recruit</i>	Under Review	Not applicable	Ongoing <sup>3</sup>
<i>Firearms – In-service</i>	3/17/2008	Not applicable	3/17/2008
<i>Supervisory Leadership and Accountability</i>	4/14/2008	Not applicable	8/4/2008
<i>Law of Arrest and Search and Seizure</i>	11/9/2007	Not applicable	8/4/2008
<i>Detention Officer</i>	7/22/2008	Not applicable	Pending
<i>OCI/FI/IA Investigatory In-Service Training</i>	10/22/2008	Not applicable	11/6/2008 <sup>4</sup>
<i>Field Training Officer)</i>	Not applicable	10/16/2007	4/8/2008

The DPD's Training Center began implementation of a 40 hour mandatory block of in-service training on August 4, 2008, for all DPD officers and supervisors. Training has scheduled 43 blocks of training sessions, which includes four make-up sessions,

<sup>2</sup> The Monitor requested and was provided with lesson plans and curricula not developed or intended to meet the compliance requirements of either CJ, e.g., Realistic Patrol Tactics, Diversity and Customer Service. The Sexual Harassment Course Lesson Plan is undergoing revisions and will be provided to the Monitor when completed.

<sup>3</sup> This lesson plan was submitted to the Monitor on February 3, 2009; however, the training that is ongoing is reflected in the submitted lesson plan that is under review by the Monitor.

<sup>4</sup> OCI Investigators were trained on 11/6/2008 and IA/FI Investigators were trained on 11/12/2008.

throughout the next 12 month period. The block of instruction includes, but is not limited to,<sup>5</sup> the Use of Force (U-112), PR-24-Intermediate Weapon (U-112), Law of Arrest and Search and Seizure (U-114), Supervisory Leadership and Accountability (U118-20) Lesson Plans.

The Training Center conducted training on the dates of May 4 through 8, 2009, on the FTO Program for 20 officers. The FTO Program is essential in that it provides newly appointed officers with an opportunity to learn from knowledgeable and motivated FTO officers and allows an opportunity for the FTOs to impart ethical and positive work character to the new officers.

In regards to the requirement that detention personnel receive training specific to their duties, the Training Center, as required by Paragraph C-73, conducted training March 10-12, March 24-26, April 28-30 and May 19-21, 2009.

On January 29 and 30, 2009, the Office of Civil Rights conducted initial Consent Judgment Training, as required by Paragraph U-111, to 64 student police officers currently assigned to the Training Center. During this quarter, the DPD commenced providing training to newly appointed officers on the use of the Management Awareness System (MAS).

The DPD continues to provide training to its members via the weekly Roll Call Training Delivery Program, which was developed by the DPD's Office of Civil Rights (OCR) and instituted in August of 2007. This training supplements formal training relative to the CJ paragraphs and improves the DPD's efforts toward compliance. The Roll Call Training subjects relative to the CJs that were delivered during this quarter are as follows:

<b>Date</b>	<b>Teletype No.</b>	<b>Roll Call Training Subject</b>
2/28/09	09-0667	Stop and Frisk Boxes on Activity Logs
3/7/09	09-0751	Utilization of the Vehicle Pursuit Report
3/14/09	09-0832	Detainee Medical Care/Referral Form
3/21/09	09-0945	Foot Pursuits
3/28/09	09-1038	Telephone and/or Visitor Restrictions
4/4/09	09-1150	Strip and Body Cavity Searches
4/11/09	09-1258	Revised Child Abuse Statute
4/18/09	09-1295	Smoking Prohibitions
4/25/09	09-1462	Confronting Resistant or Defiant Detainees
5/2/09	08-5293	Restrictions Regarding Department Emails (Reissued from 2008)
5/9/09	09-1681	Strip and Body Cavity Searches
5/16/09	09-1766	Telephone and/or Visitor Restrictions
5/23/09	09-1874	Witness Conveyance Form

<sup>5</sup> The block of instruction also includes training modules, exclusionary to the mandates of the CJ, in customer service, discrimination awareness, sexual harassment and realistic patrol tactics.

The DPD has developed the below Training Integration Matrices to identify the training paragraphs for each relevant substantive paragraph in the COC CJ and the UOF CJ. In this report, the DPD has documented whether training has been implemented under the identified training paragraphs in lieu of evaluating training for each individual paragraph.

<b>TRAINING INTEGRATION MATRIX - CONDITIONS OF CONFINEMENT CONSENT JUDGMENT</b>		
<b>CJ PARAGRAPH</b>	<b>TRAINING PARAGRAPH</b>	<b>LESSON PLAN</b>
1-13	Not Applicable	Procedural Paragraphs
14	Not Applicable	No Training Requirement
15-16	Not Applicable	<i>Detention Officer</i>
17	Not Applicable	No Training Requirement
18-21	Not Applicable	<i>Detention Officer</i>
22	Not Applicable	No Training Requirement
23-25	75	<i>Detention Officer</i>
26-32	76	<i>Detention Officer</i>
33-38	77	<i>Detention Officer</i>
39-41	78	<i>Detention Officer</i>
42	Not Applicable	No Training Requirement
43	78	<i>Detention Officer</i>
44	Not Applicable	No Training Requirement
45	Not Applicable	<i>Detention Officer</i>
46	Not Applicable	No Training Requirement
47-48	76	<i>Detention Officer</i>
49-51	78	<i>Detention Officer</i>
52-59	73 <sup>6</sup>	<i>Detention Officer</i>
60-61	Not Applicable	No Training Requirement
62	73-75	<i>Detention Officer</i>
63	Not Applicable	No Training Requirement
64	Not Applicable	<i>Detention Officer</i>
65-72	92 <sup>7</sup>	Not Applicable
73-78	Not Applicable	No Training Requirement
79- End	Not Applicable	Procedural Paragraphs

<sup>6</sup> All detention staff will be trained in their responsibility for external complaint intake. All supervisors (including cellblock supervisors) will receive more comprehensive training relative to their responsibilities as DPD supervisors (This training is part of the *Supervisory Leadership and Accountability Lesson Plan*).

<sup>7</sup> Audit Protocol . Training provided annually pursuant to U-92.



TRAINING INTEGRATION MATRIX - USE OF FORCE CONSENT JUDGMENT		
CJ PARAGRAPH	TRAINING PARAGRAPH	LESSON PLAN
1-13	Not Applicable	Procedural Paragraphs
14-17	112	<i>Use of Force</i>
18	Not Applicable	No Training Requirements
19	112	<i>Use of Force</i>
20-23	113	<i>Firearms</i> <sup>8</sup>
24-26	112	<i>Use of Force</i>
27-33	118	<i>Supervisory Leadership and Accountability</i>
34-36	112	<i>Use of Force</i>
37-38	111 <sup>9</sup>	Not Applicable
39-41	111 <sup>10</sup>	Not Applicable
42, 44, 46	114	<i>Law of Arrest and Search and Seizure</i>
43, 45, 48	115	<i>Use of Force</i>
47	Not Applicable	No Training Requirements
49-51	115	<i>Use of Force</i>
52-58	115 <sup>11</sup>	<i>Law of Arrest and Search and Seizure/Use of Force/Detention Officer</i>
59-60	111 <sup>12</sup>	Not Applicable
61-69	118 <sup>13</sup>	<i>Supervisory Leadership and Accountability</i>
70-71	Not Applicable	No Training Requirement
72	112	<i>Use of Force</i>
73	118	<i>Supervisory Leadership and Accountability</i>
74-77	112	<i>Use of Force</i>
78-91	120 <sup>14</sup>	<i>Supervisory Leadership and Accountability</i>
92-97	92 <sup>15</sup>	Not Applicable
98	118	<i>Supervisory Leadership and Accountability</i>
99	Not Applicable	No Training Requirement
100-102	118	<i>Supervisory Leadership and Accountability</i>

<sup>8</sup> U-113d- Recruit Firearms.

<sup>9</sup> Homicide/IA SOP¶

<sup>10</sup> Applicable only to DPD Command Officers (Instructions will be provided).

<sup>11</sup> Applicable legal Requirements also covered in *Law of Arrest and Search and Seizure* LP (U-56 and 57) and *Use of Force* LP (U-52-55 and 58).

<sup>12</sup> Applicable only to DPD Command Officers (Instructions will be provided).

<sup>13</sup> UOF . 67f . OCI/FI/IA *Investigatory In-Service* LP (4 hours).

<sup>14</sup> Included as part of Paragraph U-120.

<sup>15</sup> Audit Protocol . Training provided annually pursuant to Paragraph U-92.

103-104	Not Applicable	No Training Requirement
105	118	<i>Supervisory Leadership and Accountability</i>
106-123	Not Applicable	No Training Requirement

### **HOLDING CELL COMPLIANCE COMMITTEE**

In the 15th Quarter, the HCCC was expanded to include members of the Office of Civil Rights (OCR) Audit Team (AT).

On December 11, 2008, the DPD was found by the DOJ and their independent expert to be in compliance with the mandates of the LSC in all facilities containing holding cells. This was based upon the assessment of all recent upgrades to the fire detection and suppression equipment in all of these facilities, which the court required to be completed by December 31, 2008.

The HCCC continues to conduct cellblock inspections to ensure that matters of detainee health and safety, and cleaning and maintenance are satisfied. The results of these inspections are provided to the AT for inclusion in the relevant audits. During the 23<sup>rd</sup> Quarter the HCCC conducted the following inspections:

<b>Date of Inspection</b>	<b>Holding Facility</b>
March 3, 5 and 9, 2009	ALL - Including DRH
April 4, 2009	ALL - Including DRH
May 9, 2009	ALL - Including DRH

The following forms and logs relative to the COC CJ have been reviewed and approved by the DOJ:

<i>Detainee Intake Form</i>	Approved on March 22, 2005
<i>Detainee Medical Care Referral Form</i>	Approved on March 22, 2005
<i>Mental Health High Risk Monitoring Log</i>	Approved on March 22, 2005
<i>Confidential Medical Envelope (CME)</i>	Approved on March 22, 2005
<i>Detainee File Folder</i>	Approved on March 22, 2005
<i>Privilege Restriction Form</i>	Approved on March 22, 2005
<i>Alert Stickers</i>	Approved on March 22, 2005
<i>Medical High Risk Monitoring Log</i>	Approved on March 22, 2005
<i>Detainee Transfer Log</i>	Approved on March 22, 2005

The following forms and logs relative to the COC and UOF CJs were developed by the DPD to comply with the CJs. These documents were subsequently provided to the Monitor. The Monitor determined that these documents met the requirements of the CJs:

<i>Review of Arrest Exception Form</i>	Approved on March 24, 2005
<i>Investigatory Stop and/or Frisk Exception Form</i>	Approved on March 24, 2005
<i>Warrant Tracking Form</i>	Approved on March 24, 2005
<i>Exceptions to Interviews, Interrogations and Conveyances</i>	Approved on March 24, 2005
<i>Hold Exception Form</i>	Approved on March 24, 2005
<i>Holding Cell Cleaning Log</i>	Approved on March 24, 2005
<i>Weekly Holding Cell Maintenance Log</i>	Approved on March 22, 2005
<i>Detainee Meal and Hygiene Items Log</i>	Approved on March 22, 2005
<i>Supervisory In-Car Video/Detainee Processing Area Review Form</i>	Approved on March 22, 2005
<i>Video Review Form</i>	Approved on May 16, 2005
<i>Evaluation of the Operation of Holding Cells</i>	Approved on November 18, 2007

### **AUDITS**

On January 31, 2009, the AT submitted the following seven audit reports to the Monitor, which are under evaluation by the Monitor:

<b>Audit</b>	<b>Compliant?<sup>16</sup></b>	<b>Reasons for Non-Compliance</b>
<b>Allegations of Misconduct Holding Cell (C65), Prisoner Injury Holding Cells (C65) and Use of Force Holding Cell (C65)</b>	<b>NO</b>	Incorrect mathematical calculations by type of investigation (averaging percentages)  C55-59 were included in the audit scope and tested during audit fieldwork, however, calculations of compliance were not reported for these paragraphs.
<b>Fire Safety Practices (C66)</b>	<b>YES</b>	

<sup>16</sup> As determined by the Monitor in her overall assessment of the audit reports' quality.

<b>Emergency Preparedness (C67)</b>	<b>PARTIAL</b>	<p>Two conflicting compliance evaluations (i.e., Yes/Partial) provided for Objective 2.</p> <p>Incorrect averaging methodology to calculate 98% compliance (OIC-98%; CBS-100%; and PDO-96%) for table-top exercises (refer to Objective 2 and paragraphs C23, C24a-b, and C25).</p> <p>Reporting deficiency related to key control. Specifically, the audit report did not clearly point out that the DPD met all of the requirements in C25, except for routine inventory, testing, and maintenance of keys and locks (C25B). Similarly, the audit report did not include a statement that subparagraph C25b impeded overall compliance with C25.</p>
<b>Medical and Mental Health Practices (C68)</b>	<b>NYE</b>	
<b>Detainee Safety Programs and Policies (C69)</b>	<b>PARTIAL</b>	<p>Difference as to whether the name of the Detention Officer who performed the cell check, which appears <b>twice</b> on the High Risk Log, should be included <b>twice</b> in the test for %relevant information+(per C37b).</p> <p>The AT did not perform tests to verify that alert stickers were placed on the Detainee File Folders for detainees with identified security risks.</p> <p>Incorrect audit responses related to supervisory review and approval for High Risk Monitoring Logs at the end of the shift. The supervisory review and approval should be performed at the end of the watch. Supervisory review and approval at the end of the shift is not specifically required for these type logs.</p> <p>The sample size (14) for the cell check population was not based on the number of logs obtained (124) but based on the number of logs that should have been completed (126) for the audit period.</p>

<b>Environmental Health and Safety Programs (C70)</b>	<b>YES</b>	
<b>Food Service Program (C71)</b>	<b>YES</b>	

On February 16, 2009, the AT submitted the following audit report to the Monitor:

<b>Audit</b>	<b>Compliant?<sup>17</sup></b>	<b>Reasons for Non-Compliance</b>
<b>Arrest (U95)<sup>18</sup></b>	<b>NYE</b>	

On February 28, 2009, the AT submitted the following two audit reports to the Monitor:

<b>Audit</b>	<b>Compliant?<sup>19</sup></b>	<b>Reasons for Non-Compliance</b>
<b>Prisoner Injury (NON-HC) (U94)</b>	<b>NYE</b>	
<b>Custodial Detention (U96)<sup>20</sup></b>	<b>NYE</b>	

<sup>17</sup> As determined by the Monitor in her overall assessment of the audit report's quality.

<sup>18</sup> This audit report was scheduled in the 2008/2009 Audit Protocol for initial submission on May 31, 2009.

<sup>19</sup> As determined by the Monitor in her overall assessment of the audit report's quality.

<sup>20</sup> This audit report was scheduled in the 2008/2009 Audit Protocol for initial submission on May 31, 2009.

## **23<sup>rd</sup> QUARTER EVALUATION: CONDITIONS OF CONFINEMENT**

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### **Paragraph C-14**

### **Fire Safety Policies**

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The DPD shall ensure that all holding cells, and buildings that contain them, achieve and maintain compliance with the Life Safety Code within one year of the effective date of this Agreement. The City shall ensure that the Detroit Fire Marshal conducts regular and periodic inspections to evaluate whether the conditions in DPD holding cells, and buildings that contain them, are in compliance with the Life Safety Code.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The Court established a deadline of December 31, 2008, to achieve substantial compliance with this paragraph.<sup>21</sup>

The DFD conducted inspections on November 12, 13 and 18, 2008, to ascertain whether the facilities met the requirements of the LSC. The results of those inspections were included in the *Fire Safety Practices and Policies Audit Report*, as submitted on January 31, 2009. The audit report found the DPD in compliance with the requirements of the LSC and Paragraph C-14. Additionally, a DOJ independent LSC expert conducted inspections of all facilities containing holding cells on December 11, 2008, to also determine compliance with the LSC. Those inspections concurred with the findings of the current *Fire Safety Practices and Policies Audit Report*. The DOJ in a correspondence to the DPD acknowledged that the City has now complied with the Court's Order of December 6, 2007.<sup>22</sup>

The DFD will provide the DPD with its regular and periodic inspection reports, which will be reported out in the DPD's audit reports.

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### **Paragraph C-15**

### **Fire Safety Policies**

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The DPD shall develop and implement a comprehensive fire detection, suppression and evacuation program for the holding cells, and buildings that contain them, in accordance with the requirements of the Life Safety Code and in consultation with the Detroit Fire Department.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

To comply with the requirement that it develop a comprehensive fire detection, suppression and evacuation plan, the DPD, in consultation with DFD, developed a *Fire Safety Program (FSP)*. The program was reviewed and

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<sup>21</sup> Court Order, Document No. 302, entered on December 6, 2007.

<sup>22</sup> This was received by the DPD via electronic mail from the DOJ on December 12, 2008.

approved in writing by the DFD on March 17, 2006, and was approved by the DOJ on May 23, 2006. The DFD conducted subsequent reviews and approvals of the *FSP* on the dates of July 30, 2007, and June 5, 2008.

The DPD has implemented the plan by taking the following steps:

The *FSP* is posted on DPD's Intranet and is also available in a hard copy format in a red binder that is clearly marked at the operations desk of each District. The binder containing the *FSP* is readily available to members working at each facility; Evacuation route diagrams are posted throughout all buildings containing holding facilities.

The *Fire Safety Practices and Policies Audit Report*, as submitted on January 31, 2009, found the DPD non-compliant in regards to the requirements of Paragraph C-15. This was determined based upon the fact that the DPD has not fully implemented the Fire Safety Program as it relates to Fire Safety. Specifically, the record-keeping requirement contained in the *FSP*.+ To address this issue, during the months of January and February, 2009, the vendor that installed the fire safety systems, Fire Systems of Michigan, provided instruction to district/precinct personnel regarding the documentation of the inspections that need to be conducted to meet the requirements of the LSC.

The *FSP* is incorporated into the required annual detention officer training lesson plan that has been approved by the Monitor and has begun implementation as required by paragraph C-75 during the previous review quarter.

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#### **Paragraph C-16**

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#### **Fire Safety Policies**

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The fire safety program shall be developed in consultation with and receive written approval by the Detroit Fire Department. As part of developing the fire safety program, the Detroit Fire Department shall evaluate the need for and, if necessary, the DPD shall install: fire-rated separations, smoke detection systems, smoke control systems, sprinkler systems and/or emergency exits for the holding cells and buildings that contain them. The fire safety program shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The requirement that the DPD develop its *FSP* in consultation with DFD and obtain DFD approval of the plan is described in the discussion of the status of Paragraph C-15, above. In regards to the requirement that the DFD evaluate the need for certain structural necessities of holding facilities, see the discussion of the status of Paragraph C-14, above. Regarding the requirement that DPD install equipment specified by the DFD, see the discussion of the status of Paragraph C-14, above. Regarding the requirement that the *FSP*

plan be submitted for review by the DOJ, see the discussion of the status of Paragraph C-15, above.

Additionally, the DPD submitted to the Monitor the *Fire Safety Practices and Policies Audit Report* on January 31, 2009. The audit report found the DPD in compliance with the requirements of Paragraph C-16.

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**Paragraph C-17**
**Fire Safety Policies**


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The DPD shall implement the fire safety program within one year of the effective date of this Agreement. Thereafter, the program shall be reviewed and approved in writing by the Detroit Fire Department at least every year, or prior to any revisions to the plan.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

Regarding the requirement that the *FSP* be implemented, see the discussion of the status of Paragraph C-15, above. Regarding the requirements for initial and periodic approval of the *FSP*, see the discussion of the status of Paragraph C-16, above. The DFD subsequently conducted its annual review and approved the revised *FSP* on June 5, 2008.

Additionally, the DPD submitted to the Monitor the *Fire Safety Practices and Policies Audit Report* on January 31, 2009. The audit report found the DPD in compliance with the requirements of Paragraph C-17.

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**Paragraph C-18**
**Fire Safety Policies**


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The DPD shall take immediate interim fire safety measures in all buildings that contain holding cells. At a minimum, these interim measures shall:

- a. ensure that the activation of any individual smoke alarm sounds an alarm throughout the building;
- b. ensure that prisoners in holding cells have an adequate means of reporting emergency conditions to DPD staff immediately;
- c. ensure that automated back-up power systems exist for all buildings containing holding cells that are capable of providing immediate power for emergency lighting, exit signs, fire alarm and smoke detection systems in the event of an electrical power failure through batteries or an emergency generator; and
- d. reduce the likely spread of smoke and fire throughout the buildings by means of stairwells, garages, hazardous rooms and exposed pipes, such as ensuring that fire doors in stairwells are closed.

**STATUS: IN SUBSTANTIAL COMPLIANCE**



Paragraph C-18a - See the discussion of the status of Paragraph C-14, above.

Paragraph C-18b - The DPD issued Teletype #03-3311, which states: %all cellblocks shall be staffed with a minimum of two Prisoner Detention Officers (PDOs) or Detention Facility Officers (DFOs).+ The teletype mandates that a PDO/DFO shall be present in the cellblock area at all times. As the Monitor noted in her 18<sup>th</sup> Quarterly Report, this is sufficient to ensure that all prisoners have an adequate means of reporting emergency conditions to DPD staff immediately.

In addition, on December 18, 2007, Teletype #07-5610 was issued which states that %Members are reminded that it is the policy of the DPD to provide secure temporary holding cells and 24 hour supervision of detainees. Members shall be alert to any problems or conditions that may compromise the security, safety, or well being of detainees, and/or department members. Each command that operates a detention facility is required to ensure that a minimum of one (1) DPD member is physically inside of the cellblock area at all times. The one (1) DPD member shall be one of the following: 1) Cell Block Supervisor (CBS); 2) Prisoner Detention Officer (PDO) and/or 3) Detention Facility Officer (DFO).+ The *Fire Safety Practices and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, found that the DPD was in compliance with this requirement.

Paragraph C-18c - There are automatic generators that provide back-up electrical power systems to buildings with holding cells. The DPD maintains written records on the premises of the buildings with holding cells of inspections and testing of the equipment. The automatic generators are secured with perimeter fencing and gates. The *Fire Safety Practices and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, found that the DPD was in compliance with this requirement. In addition, on November 18, 2008, Resource Management along with the DFD conducted inspections of each the Districts emergency generators. Testing was performed to determine if the generators would perform when the electrical power was disconnected to the facilities. The inspections revealed that emergency generators provided back up power to each of the facilities when the power was disconnected.

Paragraph C-18d - See the discussion of the status of Paragraph C-15, above. The work that was performed included the installation of appropriate self-closures and/or positive-latching hardware on all fire doors. In addition, to ensure that all fire rated doors are closed at all times, these doors have been identified with the installation of signs that read: %Fire Door . Keep Closed.+ The *Fire Safety Practices and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, found that the DPD was in compliance with this requirement.

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**Paragraph C-19**

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**Fire Safety Policies**

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The DPD shall ensure that fire safety equipment is routinely tested, inspected and maintained, including the sprinkler systems, fire alarm systems, manual fire extinguishers, emergency lighting and exit signs, and self-contained breathing apparatuses.

**STATUS: ON SCHEDULE TO ACHIEVE TIMELY COMPLIANCE**

The *Fire Safety Practices and Policies Audit Report*, as submitted on January 31, 2009, found the DPD non-compliant in regards to the requirements of Paragraph C-19. This was determined based upon the fact that ~~the~~ DPD has not fully implemented the Fire Safety Program as it relates to Fire Safety. Specifically, the record-keeping requirement contained in the FSP.+ Additionally, ~~the~~ DPD has not implemented a systematic way to record and maintain the maintenance of smoke detector systems, fire alarm systems, and sprinkler systems, in buildings that contain holding cells.+

The *FSP* is incorporated into the required annual detention officer training lesson plan that has been approved by the Monitor and has begun implementation as required by paragraph C-75 during the previous review quarter. In addition, the HCCC has coordinated training on the use, maintenance, testing and documentation requirements of the newly installed fire detection and suppression equipment for each district containing holding cells as follows: Northeastern and Eastern Districts . January 27, 2009; Southwestern District . January 29, 2009; Northwestern District . February 10, 2009; and the 12<sup>th</sup> Precinct . February 12, 2009. This training was presented by Fire Systems of Michigan, the installer of the fire detection and suppression equipment systems.

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**Paragraph C-20**

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**Fire Safety Policies**

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The DPD shall enforce immediately its no-smoking policy in the holding cells or provide ash trays and ensure that all holding cells areas are constructed and supplied with fire rated materials.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

~~No~~ Smoking+ signs continue to be posted throughout the buildings that contain holding cells, in accordance with the *Holding Cell Areas Directive*, 305.4. In addition, the AT determined that the DPD met the requirement to have holding cell areas constructed with, and all duct work sealed with, fire rated materials.

The DPD continues to reinforce its ~~No~~ Smoking+ policy. During the dates of November 15, 2008 through November 21, 2008, January 31, 2009 through February 6, 2009 and again on April 18, 2009 through April 24, 2009, Roll Call

Trainings (Teletypes #08-5065, #09-0312 and #09-1295) were delivered to DPD members regarding this subject, which reinforces the DPD's policy prohibiting smoking in all DPD buildings and requires that smoking is restricted to areas in excess of 15 feet from building entrances, as is required by the City of Detroit's Clean Indoor Air Ordinance of 2005.

The Monitor found the DPD in compliance with this requirement in her reports for the quarters ending November 30, 2007 and August 31, 2008. Additionally, the *Fire Safety Practices and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, again substantiated the fact that smoking is not occurring within the holding cells and the holding cell areas.

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#### **Paragraph C-21**

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#### **Fire Safety Policies**

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The DPD shall ensure immediately that all flammable and combustible liquids in holding cell areas and the attached and nearby DPD buildings are stored properly.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

Since December, 2003, the DPD has utilized storage cabinets specifically designed to contain flammable and combustible liquids at each of the District buildings containing holding cells. To ensure that the storage cabinets are properly utilized, the DPD, in consultation with the DFD, developed a flammable and combustible liquids protocol that is affixed to the exterior of all cabinets.

The Monitor found the DPD in compliance with this requirement in her reports for the quarters ending November 30, 2007 and August 31, 2008. Additionally, the *Fire Safety Practices and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, substantiated the fact that the DPD is properly storing flammable and combustible liquids in the prescribed manner.

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#### **Paragraph C-22**

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#### **Fire Safety Policies**

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The DPD shall remove immediately all highly-combustible kane fiber ceiling tiles from all buildings that contain holding cells.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD was found compliant with the requirements of Paragraph C-22 in the Monitor's report for the quarter ending August 31, 2005. Since that time, there have not been any structural changes that included the installation of kane fiber ceiling tiles to any of the holding cell facilities. In the Monitor's quarterly report for the period ending August 31, 2007, the Monitor stated that the DPD will remain in compliance with Paragraph C-22 unless it begins utilizing buildings that contain kane fiber ceiling tiles to detain prisoners.

**Paragraph C-23****Emergency Preparedness Policies**

The DPD shall ensure a reasonable level of safety and security of all staff and prisoners in the event of a fire or other emergency.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-23 and C-24, the status of this paragraph is reported jointly under Paragraph C-24.

**Paragraph C-24****Emergency Preparedness Policies**

The DPD shall develop a comprehensive emergency preparedness program that is approved in writing by the Detroit Fire Department. This program shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement. The DPD shall implement the program within three months of DOJ's review and approval. Thereafter, the program shall be reviewed and approved in writing by the Detroit Fire Department at least every year, or prior to any revisions to the plan. At a minimum, the emergency preparedness program shall:

- a. include an emergency response plan for each building that contains holding cells identifying staff responsibilities in the event of fire-related emergencies and other emergencies, including notification responsibilities, evacuation procedures and key control procedures (discussed below); and
- b. require performance and documentation of fire drills for all buildings containing holding cells on all shifts every six months (documentation shall include the start and stop times of each drill, the staff members who participated in the drill, a summary of the drill, and an evaluation of the success of the drill).

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH C-24A: EFFORTS MADE TOWARD COMPLIANCE WITH C-24B**

The *Comprehensive Emergency Preparedness Program (CEPP)* and associated *Emergency Response Plans (ERPs)* were submitted to the DOJ on July 22, 2004. On May 23, 2006, the DOJ approved the program and plans. The requirements of these paragraphs are also contained in the *Holding Cell Areas Directive*, 305.4. The DFD most recently approved the *CEPP* and *ERPs* on June 5, 2008. These recently DFD approved *ERPs* were disseminated both electronically and in hard copy to the respective District Commanding Officers on June 11, 2008. Subsequently, all District front desk red binders were updated with these most current *ERPs*.

C-24a - The provisions of this paragraph are incorporated in the *ERPs* and the

*Holding Cell Areas Directive*, 305.4.

C-24b - The *Emergency Preparedness Program Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with the requirements of this subparagraph. The audit determined that personnel at three of the Districts/Precincts (Northeastern, Southwestern (Schaefer Annex) Districts and 12<sup>th</sup> Precinct) were in compliance with the requirement to perform and document fire drills. However, personnel at two of the Districts (Eastern and Northwestern Districts) as well as personnel at DRH, failed to perform and document fire drills, and the audit determined these commands were out of compliance. On February 2, 2009, the *Emergency Preparedness Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies identified in the audit report. The next bi-annual review period for required fire drills ends June 30, 2009. Those findings will be disclosed in the *Emergency Preparedness Audit Report*, which is scheduled to be submitted on July 31, 2009.

The training requirement for these paragraphs are evaluated under Paragraph C-75.<sup>23</sup>

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## **Paragraph C-25**

## **Emergency Preparedness Policies**

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The DPD shall develop and implement key control policies and procedures that ensure that all staff are able to manually unlock all holding cell doors in the event of a fire or other emergency. At a minimum, the key control policies and procedures shall:

- a. provide for emergency identification of keys by touch; and
- b. require routine inventory, testing and maintenance of keys and locks.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH C-25A: EFFORTS MADE TOWARD COMPLIANCE WITH C-25B**

The provisions of this paragraph are incorporated in the *Holding Cell Areas Directive*, 305.4. Additionally, all cellblocks have been re-keyed in a manner so that all holding cell facilities' keys are identical and universal. The universal holding cell key is unique and distinct, which enables detention personnel to identify it by sight and touch. Based upon the Monitor's recommendation that revisions are needed to this policy in order to include the *Evaluation of the Operation of Holding Cells Form* (DPD 715) and revised key control practices, the DPD is in the process of reviewing the *Holding Cell Areas Directive*, 305.4, to evaluate what modifications of the policy may be needed.

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<sup>23</sup> This is in accordance with the Training Integration Matrix described in the Executive Summary of this report. This report will reference the relevant training paragraphs, when applicable, in this same manner throughout the remainder of this report.

In addition to the inventory and testing of keys and locks conducted during the required fire drills on each shift for each holding cell facility every six months, which is documented on the *Fire Drill Documentation Log* (DPD 703), the DPD's HCCC also documents this information, including the maintenance of these items, on the *Evaluation of the Operation of Holding Cells Form* (DPD 715) on a monthly basis. Based on this routine testing of the keys and locks, the HCCC determines if any locks and/or keys are in need of maintenance. Any required maintenance of keys and locks are documented on the *Weekly Holding Cell Maintenance Log* (DPD 702). When any repairs are required the affected cell(s) are to be temporarily closed until the repairs are completed. The recent inspections of all DPD holding facilities by the HCCC Inspection Team reflected that the DPD is in compliance with the requirements of the key control policy.

The *Emergency Preparedness Program Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with the requirements of this paragraph. In regards to subparagraph C-25a, the audit report found the DPD compliant with officers' abilities to identify keys by touch. In regards to subparagraph C-25b, the audit report determined that the DPD did not adequately document its routine inventory, testing and maintenance of keys and locks within buildings containing holding cells during the months of August through December, 2008.

The training requirement for this paragraph is evaluated under Paragraph C-75.

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#### **Paragraph C-26**

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#### **Medical and Mental Health Care Policies**

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The DPD shall ensure the appropriate identification of and response to prisoner's medical and/or mental health conditions.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-26 and C-27, the status of this paragraph is reported jointly under Paragraph C-27.

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#### **Paragraph C-27**

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#### **Medical and Mental Health Care Policies**

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The DPD shall develop a comprehensive medical and mental health screening program that shall be approved in writing by qualified medical and mental health professionals. This program shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement. The DPD shall implement the program within three months of DOJ's review and approval. Thereafter, the program shall be reviewed and approved in writing by qualified medical and mental health professionals at least every year and prior to any

revisions to the program. At a minimum, the comprehensive medical and mental health screening program shall include prisoner screening procedures and medical protocols.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD developed and disseminated the *Comprehensive Medical and Mental Health Screening Program (CMMHSP)*, which is comprised of Directive 305.1, *Detainee Intake and Assessment*; Directive 305.5, *Detainee Health Care*, Directive 305.7, *Transportation of Detainees*; Directive 403.2, *Infectious Disease*, and Training Directive 04-05, *Detainee Suicide Prevention*. This program was approved by the DOJ on March 22, 2005. The *CMMHSP* was reviewed and approved in writing by a qualified medical health professional on August 25, 2008, and by a qualified mental health professional on September 9, 2008.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with the requirements of these paragraphs. In regards to Paragraph C-26, the audit report found the DPD non-compliant with ensuring the appropriate identification of and response to prisoners' medical and/or mental health conditions. In regards to Paragraph C-27, the audit report determined that the DPD did not adequately implement the *CMMHSP*.

On February 2, 2009, the *Medical and Mental Health Program and Policies Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies identified in the audit report.

The training requirement for these paragraphs are evaluated under Paragraph C-76.

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**Paragraph C-28**

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**Medical and Mental Health Care Policies**

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The prisoner screening procedure, at a minimum, shall:

- a. enable the DPD to identify individuals with medical or mental health conditions, including infectious diseases, chronic conditions, disabilities, ambulatory impairments, mental health conditions, and drug/alcohol withdrawal;
- b. identify persons who are at risk of committing suicide, persons who have been on heightened observation for suicide risk at any time during a past incarceration and persons who have any medical contraindications for the use of chemical sprays;
- c. require that the DPD follow a standard intake procedure for each individual entering DPD custody;
- d. require that intake screening be conducted within two hours of intake and

- e. through a verbal exchange between the DPD and prisoners; and incorporate all health information pertaining to a prisoner acquired by the arresting or transporting officers.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

As described under Paragraph C-27, above, the DPD developed and disseminated the *CMMHSP*. This program contains requirements of this paragraph.

The Monitor, in her report for the quarter ending February 29, 2008, identified this paragraph as a ~~policy only~~ requirement and determined that the DPD was in compliance with this paragraph.

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#### **Paragraph C-29**

#### **Medical and Mental Health Care Policies**

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The medical protocols, at a minimum, shall:

- a. identify the specific actions the DPD shall take in response to the medical information acquired during prisoner screening or detention, including the need for emergency care, hospitalization, prescription medication and/or intensive monitoring; and
- b. require prior supervisory review and written approval, absent exigent circumstances, of all decisions made in response to acquired medical information.

#### **STATUS: EFFORTS MADE TOWARDS COMPLIANCE**

As described under Paragraph C-27, above, the DPD developed and disseminated the *CMMHSP*. This program contains requirements of this paragraph.

The Monitor, in her report for the quarter ending February 29, 2008, identified this paragraph as a ~~policy only~~ requirement and determined that the DPD was in compliance with this paragraph.

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#### **Paragraph C-30**

#### **Medical and Mental Health Care Policies**

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The DPD shall develop and implement a policy regarding infectious disease control in consultation with medical health professionals. The policy shall be reviewed and approved in writing by qualified medical health professionals at least every year after implementation and prior to any revisions to the policy. At a minimum, the policy shall:

- a. establish appropriate housing for prisoners believed to have infectious diseases; and
- b. mandate measures the DPD shall take to prevent the spread of infectious



diseases, including proper handling and disposal of bio-hazardous material.

## **STATUS: IN SUBSTANTIAL COMPLIANCE**

The components of Paragraph C-30 are inclusive to the *CMMHSP* that was most recently annually approved on August 25, 2008, by a qualified medical health professional. The *CMMHSP* specifies that a detainee with an infectious disease will be segregated from the population of the holding facility: 1) prior to transport to Detroit Receiving Hospital (DRH) for a diagnosis, and/or 2) after confirmation by a qualified medical professional at DRH and if the detainee is authorized by a qualified medical professional to be returned to the holding facility.

C-30a . When a detainee is identified as potentially having an infectious disease, a blue Detainee Alert Sticker is to be conspicuously affixed to the detainee's file folder. The detainee file folder is to be reviewed by cellblock personnel to ensure that detainees are appropriately housed.

C-30b - The policy requires that the Officer in Charge (OIC) of the District desk is to be notified whenever DPD equipment, vehicles or an area within a DPD facility becomes contaminated with blood or other potentially infectious material. The OIC is to ensure that the contaminated equipment, vehicle or facility is isolated, cleaned, and disinfected prior to returning to service or allowing a contaminated area to be re-occupied. While cleaning and disinfecting contaminated areas, all members involved in cleaning/decontamination of any equipment, vehicle or facility are required to wear gloves and other Personal Protective Equipment (PPE) pursuant to the Infectious Disease Directive. Additionally, all contaminated materials are disposed of in the appropriate bio-hazard containers located within all holding facilities. Facilities Management will be notified in the event a command needs a bio-hazard waste container pick-up.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with the requirements of this paragraph. The audit report compliance determination was two-fold. One objective was based upon members ensuring the appropriate identification of and response to prisoners' medical and/or mental health conditions; and the second objective was based upon the DPD's ability to take measures against the spread of an infectious disease. The audit report found the DPD non-compliant with the earlier stated objective based upon an incident where a detainee was not quarantined from other prisoners when he refused to respond to the infectious disease portion of the DIF, and another incident where the DIF could not be located for assessment. However, for the latter objective the audit report found the DPD 100% compliant in preventing the spread of an infectious disease.

On February 2, 2009, the *Medical and Mental Health Program and Policies Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies identified in the audit report.

The training requirement for this paragraph is evaluated under Paragraph C-76.

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**Paragraph C-31**
**Medical and Mental Health Care Policies**


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The DPD shall develop and implement a protocol for updating and exchanging prisoner health information. At a minimum, this protocol shall:

- a. require that prisoner health information is recorded at intake and is thereafter immediately and readily available to all relevant medical and transporting personnel in a manner consistent with the relevant federal and state confidentiality statutes;
- b. require that prisoner health information is continually updated to incorporate any additional relevant information acquired during his/her detention;
- c. require that relevant prisoner health information is documented and communicated between consecutive shifts, such as whether a prisoner is taking medication or has a medical condition; and
- d. require that prisoner health information travel with prisoners who are transferred to another facility.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH C-31A; EFFORTS MADE TOWARD COMPLIANCE**

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined that:

C-31a - The DPD was found to be compliant with this requirement.

C-31b - The DPD was not compliant with this requirement.

C-31c - The DPD was not compliant with this requirement.

C-31d - The DPD was not compliant with this requirement.

Although forms were developed for each of these subparagraphs, DPD members did not effectively document needed information on the forms to demonstrate compliance. These forms are defined extensively within the *Detention Officer Training Lesson Plan*.

The training requirement for this paragraph is evaluated under Paragraph C-76.

**Paragraph C-32****Medical and Mental Health Care Policies**

The DPD shall develop a prescription medication policy in consultation with qualified medical and mental health professionals that ensures prisoners are provided prescription medication as directed. The policy shall be approved in writing by qualified medical and mental health professionals and shall be submitted for review and approval of the DOJ within three months of the effective date of this Agreement. The DPD shall implement the policy within three months of the DOJ's review and approval. Thereafter, the policy shall be reviewed and approved in writing by qualified medical and mental health professionals at least annually and prior to any revisions to the program. At a minimum, the policy shall:

- a. indicate when the DPD shall convey prisoners taking prescription medication to the DRH or other treating hospital for evaluation;
- b. require the DPD distribute to prisoners only medications that have been prescribed at the DRH or other treating hospitals;
- c. require that the DPD distribute medications as prescribed and not rely on inmates to identify their need for medication;
- d. require that all prisoner medications be stored in a secure location near the holding cells and travel with prisoners that are transferred;
- e. require the DPD to record relevant information regarding the administration of prescription medication on an auditable form;
- f. require that injected medications are administered as prescribed and in a safe and hygienic manner; and
- g. require that unused medications prescribed at the DRH or other treating hospitals are provided to prisoners upon their release.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

The DPD has developed and implemented a prescription medication policy, which is outlined in Directive 305.5, *Detainee Health Care*. This policy was approved by the DOJ on March 22, 2005. This directive is incorporated into the *CMMHSP*, which was reviewed and approved in writing by qualified medical and mental health professionals on August 28 and September 9, 2008, respectively. On July 16, 2008, a revised version of the *Medical Treatment/Medication Disbursement Log* (DPD 664) was disseminated. This revised log includes an area that captures the signature to whom the prescription medications were relinquished to upon a detainee's release or transfer.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined that the DPD is in compliance with the requirement that the DPD policy be reviewed and approved in writing by qualified medical and mental health professionals annually. The AT also determined that:

C-32a . The AT found that in 11 out of 24 instances (46%), the DPD conveyed

those detainees identified who were taking prescription medication to the hospital for an evaluation.

C-32b . The AT found that in 3 out of 11 instances (27%), the DPD lacked adequate documentation to determine if it had complied with this requirement.

C-32c . The AT found that in 2 out of 11 instances (18%), the DPD lacked adequate documentation to determine if it had complied with this requirement.

C-32d . The AT found the DPD compliant with the requirement to maintain prescription medication in a secure location, and non-compliant with documenting that the medication traveled with the detainee upon transfer.

C-32e . The AT found that in 2 out of 11 instances (18%), the DPD lacked adequate documentation to determine if it had complied with this requirement.

C-32f . The AT found that in 6 out of 7 instances (86%), the DPD lacked adequate documentation to achieve full compliance with this requirement.

C-32g . The AT determined that the DPD was not in compliance with this requirement. The DPD lacked adequate documentation to determine if it had complied with this requirement.

On February 2, 2009, the *Medical and Mental Health Program and Policies Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph C-76.

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### **Paragraph C-33**

### **Medical and Mental Health Care Policies**

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The DPD shall provide appropriate clothing, such as paper gowns or suicide smocks, to all prisoners placed under suicide precautions.

### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The *Detainee Intake Assessment Directive* (305.1) is specific to the requirements of this paragraph. The DPD continues to provide and maintain an adequate supply of the specified garb in all instances where a detainee is placed under suicide watch.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD non-compliant with the requirement of Paragraph C-33. The Eastern District was the

lone holding facility that had an inadequate supply of suicide gowns during the AT inspection. During the months of March, April and May 2009, inspections conducted by the HCCC found all of the five holding cell facilities compliant with the requirement of this paragraph. Additionally, the DPD was found compliant with this paragraph in the two previous audit reports dated January 31, 2007 and 2008. The Monitor in her reports for the quarters ending May 31, 2007, February 29, 2008 and November 30, 2008, found the DPD in compliance with the requirement of this paragraph.

On February 2, 2009, the *Medical and Mental Health Program and Policies Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

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**Paragraph C-34**
**Medical and Mental Health Care Policies**


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The DPD shall remove or make inaccessible all suicide hazards in holding cells including exposed pipes, radiators and overhead bars.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD continues to utilize the holding cell facilities at five of the Districts/Precincts.<sup>24</sup> The Monitor's quarterly reports for the quarters ending August 31, 2006, May 31, 2007, February 29 and November 30, 2008, found the DPD in compliance with the requirements of this paragraph.

During the months of March, April and May 2009, inspections conducted by the HCCC found all of the five holding cell facilities compliant with the requirement of this paragraph.

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**Paragraph C-35**
**Prisoner Safety Policies**


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The DPD shall ensure a reasonable level of safety of staff and prisoners through the use of appropriate security administration procedures.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The requirements of this paragraph are specific to the requirements of Paragraphs C-36, C-37 and C-38. The detailed status of the aforementioned paragraphs are reported under their respective sections of this report.

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<sup>24</sup> The Districts/Precincts with holding cells being utilized are the Northeastern District, 12<sup>th</sup> Precinct, Eastern District, Northwestern District, and Southwestern District (Schaefer Annex).

**Paragraph C-36****Prisoner Safety Policies**

The DPD shall develop and implement a prisoner security screening program for all buildings containing holding cells. At a minimum, the program shall:

- a. establish protocols based upon objective, behavior based criteria for identifying suspected crime partners, vulnerable, assaultive or special management prisoners who should be housed in observation cells or single-occupancy cells; and
- b. require that security screening information is documented and communicated between consecutive shifts.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

C-36a . On June 13, 2006, the DPD implemented the *Cell Assignment Detainee Security Screening* (DPD 651A) form, to address the requirements of this paragraph. The form contains questions relative to the requirements of detainee segregation and cell assignment. The member completing the form shall solicit from each detainee answers to a list of questions and note personal observations. Based on the specific responses provided, as well as the personal observations noted on the form, the proper cell assignment for the detainee is determined. This determination is subject to supervisory review. After the cell assignment determination is rendered, a corresponding Detainee Alert Sticker is to be affixed to the Detainee File Folder (if applicable) in order to apprise all personnel of the special situational needs of that particular detainee. During the quarter ending November 30, 2007, based on recommendations provided by the Monitor, the DPD modified the questions as well as what observations are to be considered by detention personnel when conducting security screening of detainees. This information was incorporated into the revised *Detainee Intake Form* (DIF) (DPD 651). The revised *DIF* was made available for use by detention personnel in the *LiveScan* system on October 28, 2008. This information was specified in teletype #08-04830 which was issued on the same date.

C-36b - On January 12, 2008, the DPD implemented the *Platoon Daily Detainee Summary Log* (PDDS) (DPD 659A), through Roll Call Training Administrative Message (08-02), Teletype #08-0127. On May 10, 2008, after the form and guidelines were modified, it was distributed to all District/Precinct and detention personnel via Teletype #08-02957. The form and guidelines for the form are available to DPD members via the DPD's Intranet.

The *Detainee Safety Policies and Practices Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined that the DPD is not effectively implementing the policies to comply with C-36a and C-36b. On February 2, 2009, the *Detainee Safety Policies and Practices Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any

deficiencies specific to their employees.

The semi-annual *Detainee Safety Policies and Practices Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-77.

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#### **Paragraph C-37**

#### **Prisoner Safety Policies**

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The DPD shall develop and implement procedures for the performance, documentation and review of routine cell checks in all holding cells to ensure safe housing. At a minimum, these procedures should:

- a. require that cell checks on the general population are performed at least twice per hour and that cell checks on prisoners in observation cells and DRH holding cells are performed every 15 minutes, unless constant supervision is required; and
- b. require detention officers to document relevant information regarding the performance of cell checks in an auditable log.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH PARAGRAPH C-37B; EFFORTS MADE TOWARD COMPLIANCE**

The provisions of this paragraph are incorporated in the *Holding Cell Areas Directive*, 305.4. The DPD has effectively disseminated this Directive as reported by the Monitor in her report for the quarter ending November 30, 2005.

In May 2006, the DPD revised and implemented the *Detention Cell Check Log* (DPD 659) to allow for the documentation of all cell checks performed, via a time clock stamp, including the supervisory cell checks. The log has an allotted space for the documentation of the member's personal observations that are pertinent to the well-being of check of each detainee. This revised log and the corresponding guidelines are posted and available on the DPD Intranet.

The *Detainee Safety Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements.

C-37a - The AT determined that the DPD was not in compliance with this requirement. The AT reviewed 16 *Detention Cell Check Logs* and determined that on three of the 14 logs reviewed that the detention personnel adequately documented whether cell checks were performed at least twice per hour for the general population. However, on 28 of the 49 observation cell logs reviewed, the detention personnel did adequately document whether cell checks were performed at least every 15 minutes for observation cells and at DRH.

C-37b - The AT determined that the DPD was not in compliance with this requirement. The AT reviewed 16 *Detention Cell Check Logs* and determined that on nine of the 14 logs reviewed that the detention personnel did adequately document relevant information of the detainees' well-being for general population. However, on 49 of the 49 observation cell logs reviewed, the detention personnel did adequately document relevant information of the detainees' well-being for observation cells and at DRH.

Additionally, the AT reported that the supervisory review and approval of the *Detention Cell Check Logs* (DPD 659) of the sample reviewed were deficient and determined to be in non-compliance.

On February 2, 2009, the *Detainee Safety Policies and Practices Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The semi-annual *Detainee Safety Policies and Practices Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-77.

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#### **Paragraph C-38**

#### **Prisoner Safety Policies**

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The DPD shall record in a written policy and implement a procedure that requires detention officers to provide continual direct or on-site remote observation of all observation cells while they are occupied.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The provisions of Paragraph C-38 are incorporated in the *Detainee Intake and Assessment Directive*, 305.1. The DOJ approved the Directive on April 4, 2005. The DPD effectively disseminated this Directive as reported by the Monitor in her report for the quarter ending November 30, 2005.

The *Detainee Safety Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined that the DPD is not in compliance with the requirements of this paragraph. The DPD lacked adequate documentation to determine if it had complied with this requirement. However, the DPD was found compliant with this paragraph in the previous audit reports dated August 31, 2007 and January 31, 2008. Additionally, the Monitor in her reports for the quarters ending August 31, 2007 and February 29, 2008, found the DPD in compliance with the requirements of Paragraph C-38.



The semi-annual *Detainee Safety Policies and Practices Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-77.

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**Paragraph C-39**
**Environmental Health and Safety Policies**


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The DPD shall ensure that all holding cells are cleaned immediately and thereafter are maintained in a clean and sanitary manner.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The provisions of this paragraph are addressed in the *Holding Cell Areas Directive*, 305.4.

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined the DPD is in compliance with the requirements of Paragraph C-39 through numerous on-site inspections. Additionally, the DPD was also found compliant with Paragraph C-39 in the previous audit reports dated August 31, 2007 and January 31, 2008. In addition, the Monitor found the DPD in compliance with Paragraph C-39 in her reports for the quarters ending August 31, 2007, May 31, 2008 and February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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**Paragraph C-40**
**Environmental Health and Safety Policies**


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The DPD shall design and implement a cleaning policy for all holding cells. The policy shall require routine cleaning and supervisory inspection of the holding cells and nearby areas.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The provisions of this paragraph are addressed in the *Holding Cell Areas Directive*, 305.4. Currently, as recommended by the Monitor in her report for the quarter ending August 31, 2008, the DPD is in the process of reviewing the directive for the purpose of inclusion of recently revised practices pertaining to holding cells.

The DPD utilizes the *Daily Holding Cell Cleaning Log* (DPD 701) in all holding facilities in order to document routine maintenance requests and responses, excluding the holding cells at DRH. DRH maintenance staff is responsible for the cleaning of the cells, the documentation of the cleaning performed is on their own internal logs. The HCCC obtains these records to ascertain whether the cleaning is being documented.

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined the DPD is in compliance with the requirements of Paragraph C-40 through numerous on-site inspections. In addition, the Monitor found the DPD in compliance with Paragraph C-40 in her report for the quarter ending February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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#### **Paragraph C-41**

#### **Environmental Health and Safety Policies**

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The DPD shall design and implement a maintenance policy for all holding cells that requires timely performance of routine maintenance and the documentation of all maintenance requests and responses in an auditable log.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The provisions of this paragraph are addressed in the *Holding Cell Areas Directive*, 305.4. Currently, as recommended by the Monitor in her report for the quarter ending August 31, 2008, the DPD is in the process of reviewing the directive for the purpose of inclusion of recently revised practices pertaining to holding cells.

The DPD utilizes the *Weekly Holding Cell Maintenance Log* (DPD 702) in all holding facilities in order to document routine maintenance requests and responses, excluding the holding cells at DRH.

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with these requirements. The AT determined the DPD is not in compliance with the requirements of this paragraph. The DPD lacked adequate documentation to

determine compliance.<sup>25</sup>

On February 2, 2009, the *Environmental Health and Safety Audit Report* was forwarded to the Commanding Officer of Facilities Management to take corrective action in regards to the deficiencies identified in the audit report. Also, the audit report was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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#### Paragraph C-42

#### Environmental Health and Safety Policies

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The DPD shall provide adequate heating and ventilation for all buildings containing holding cells.

#### STATUS: IN SUBSTANTIAL COMPLIANCE

In order to report the DPD's compliance with this paragraph consistent with the Monitor's reporting practices, this paragraph is evaluated in two parts, adequate ventilation (C-42a) and adequate heating (C-42b). With the effective dissemination of the *Holding Cell Areas Directive*, 305.4, as reported by the Monitor in her quarterly report ending February 28, 2006, the DPD has been found to be in compliance with both the policy requirement and the dissemination requirement of this paragraph.

C-42a . Adequate Ventilation: To date, the DPD has maintained the ventilation systems within the buildings containing holding cells as reported by the Monitor in her report for the quarter ending May 31, 2006.<sup>26</sup> The DPD has not modified nor altered any component of any holding cell facility's ventilation system to hinder its intended purpose or effectiveness.

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. In December of 2007 and in January of 2008, independent contractors completed an overall evaluation on the DPD ventilation systems and performed air balancing tests and air quality tests for all buildings containing holding cells. During the same time period the Detroit Health and Wellness Department (CoD Health Department) completed an evaluation of the %Air Quality Test+, which is defined as the testing of indoor air quality for the presence of airborne contaminants. These

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<sup>25</sup> The District/Precinct Holding Cell Facilities furnished only 30 of the 40 (75%) of the logs for the time period requested.

<sup>26</sup> The Monitor's onsite inspections revealed that all facilities were %well ventilated and were clean smelling,+ thus finding the DPD compliant in regards to the ventilation requirement of Paragraph C-42.

tests also confirmed, as did the audit report, that the DPD holding cell facilities meet or exceed the requirement of C-42a. Also, the DPD was found compliant in the most recent assessment of this paragraph by the Monitor in her reports for the quarters ending August 31, 2007, May 31, 2008 and February 28, 2009.

C-42b . Adequate Heating: The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that each holding cell and the areas surrounding the holding cells maintained temperature readings within the required 66-80 degrees Fahrenheit. In addition, during the on-site inspections conducted by the HCCC in the months of March, April and May, 2009, it was determined that the DPD was in compliance with this requirement. The DPD was found compliant in the most recent assessment of this paragraph by the Monitor in her quarterly reports for the quarters ending August 31, 2007 and May 31, 2008 and February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

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#### **Paragraph C-43**

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#### **Environmental Health and Safety Policies**

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The DPD shall repair all broken or malfunctioning lighting, toilets, sinks and windows in holding cells and observation cells.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD is in compliance with the requirements of this paragraph. Also, the DPD was found compliant in the most recent assessment of this paragraph by the Monitor in her quarterly reports for the quarters ending August 31, 2007, May 31, 2008 and February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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#### **Paragraph C-44**

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#### **Environmental Health and Safety Policies**

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The DPD shall ensure that lighting in all cell block areas is sufficient to reach 20 foot-candles of illumination at desk level and in personal grooming areas.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD is in compliance with the requirements of this paragraph. Also, the DPD was found compliant in the most recent assessment of this paragraph by the Monitor in her quarterly report for the quarter ending February 28, 2007. The Monitor in her report for the quarter ending August 31, 2007, stated that she will not reassess compliance with this paragraph unless alterations are made to the lighting system or other conditions arise that may affect the sufficiency of the lighting in the cell block areas.+ The AT found no evidence to the contrary during their inspections.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

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#### **Paragraph C-45**

#### **Environmental Health and Safety Policies**

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The DPD shall provide all prisoners with reasonable access to toilets and potable water 24 hours-a-day.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The provisions of this paragraph are addressed in the *Holding Cell Areas Directive*, 305.4. The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD is in compliance with the requirements of this paragraph. Also, the DPD was found compliant in the most recent assessment of this paragraph by the Monitor in her quarterly reports for the quarters ending August 31, 2007, May 31, 2008 and February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

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#### **Paragraph C-46**

#### **Environmental Health and Safety Policies**

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The DPD shall ensure that all Hepa-Aire purifiers comply with the Michigan Occupational Safety and Health Agency standards.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

In the report for the quarter ending August 31, 2005, the Monitor concluded that the DPD was in compliance with this paragraph, as all Hepa-Aire purifiers had been removed from DPD buildings containing holding cells. In her report for the quarter ending August 31, 2006, the Monitor indicated that she will not assess compliance with Paragraph C-46 again unless Hepa-Aire purifiers are re-installed in

buildings containing holding cells.+ The *Environmental Health and Safety Audit Report*, which was submitted to the Monitor on January 31, 2009, determined that the DPD has not since re-installed Hepa-Aire filters in any building containing holding cells.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

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## Paragraph C-47

## Policies Concerning Persons with Disabilities

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The DPD shall ensure that persons with disabilities are provided with reasonable accommodations.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

During this quarter, the information from the *Cell Assignment Detainee Security Screening* form (DPD 651A) was incorporated into the revised *Detainee Intake Form* (DIF) (DPD 651). The questions and observations contained on this form assists intake officers to identify medically or psychologically at risk detainees at the time of processing, as well as identifying detainees who may have a disability. The form has detailed instructions for the proper housing of any detainee with disabilities. Additionally, the *CMMHSP*, which considers the directives associated with the requirements of this paragraph, was reviewed and approved in writing by a qualified medical health professional on August 25, 2008, and by a qualified mental health professional on September 9, 2008.

Telecommunication Devices for the Deaf (TDD) were installed in all holding cell facilities.<sup>27</sup> Independent inspections conducted by the Monitor during the quarter ending February 29, 2008, found five out of the five holding cell facilities had an operational Telecommunications Device for the Deaf (TDD) telephone. However, inspections conducted by the HCCC during the months of March, April and May, 2009, revealed that the Northwestern District and Southwestern Annex were the only two holding cell facilities equipped with operational TDD devices. The DPD is currently in the process of rectifying the problems with the service provider at the non-functioning facilities. In addition, the Northeastern District is equipped with two commodes that are compliant with the Americans With Disabilities Act (ADA). Detainees that require the use of a wheelchair are to be transported and housed at the Northeastern District.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT identified four cases where special measures were required in order to properly accommodate disabled detainees.

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<sup>27</sup> Installation of these devices was done during the week of August 21, 2006.

The DPD responded properly in three of these four (75%) incidents. In the near future, the OCR plans to utilize the LiveScan system to identify a population of detainees with disabilities for the AT&S purposes.

On February 2, 2009, the audit report was forwarded to all district commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The semi-annual *Medical and Mental Health Program and Policies Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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#### **Paragraph C-48**

#### **Policies Concerning Persons with Disabilities**

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The DPD shall develop and implement a policy concerning the detention of individuals with disabilities in consultation with qualified medical and mental health professionals. The policy shall be approved in writing by qualified medical and mental health professionals. Thereafter, the program shall be reviewed and approved in writing by qualified medical and mental health professionals at least every year and prior to any revisions to the program.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directive 305.1, *Detainee Intake Assessment*, which is inclusive of the requirements of this paragraph. Also, the annual program review applicable to the paragraph is inclusive to the *CMMHSP*, which was reviewed and approved in writing by a qualified medical health professional on August 25, 2008, and by a qualified mental health professional on September 9, 2008.

The *Medical and Mental Health Program and Policies Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD is compliant with Paragraph C-48, based upon being a policy only requirement.

The semi-annual *Medical and Mental Health Program and Policies Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

**Paragraph C-49****Food Service Policies**

The DPD shall ensure food is stored and served in a sanitary manner and in compliance with state and local health codes.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The provisions of this paragraph are addressed in the *Detainee Food Service and Hygiene Items Directive*, 305.8. See Paragraph C-50 regarding the DPD's status with this requirement.

The *Detainee Food Service Program and Personal Hygiene Practices Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT determined that the DPD is overall in non-compliance with the documentation requirement relative to Paragraph C-49; however, on-site inspections conducted by the AT revealed that the DPD is storing and serving food in a sanitary manner. The audit report revealed that the DPD has not consistently documented the refrigerator's daily temperature and weekly cleaning on the proper forms at the Northeastern and Southwestern Districts.

On February 2, 2009, the audit report was forwarded to all district commanding officers, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

**Paragraph C-50****Food Service Policies**

The DPD shall develop and implement a food service policy that shall be approved in writing by a qualified sanitarian. At a minimum, the food service policy shall:

- a. require that the meal plan is initially approved in writing by a qualified dietician and, thereafter, is reviewed and approved in writing by a qualified dietician at least every year, or prior to any revisions to the program;
- b. require that all food is stored and handled in a sanitary manner;
- c. ensure that all prisoners are provided with an alternative meal if they are unable to eat the standard meal for religious or dietary reasons; and
- d. ensure that food service is provided to all prisoners who are held over six hours.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND**



## WITH C-50A; EFFORTS MADE TOWARD COMPLIANCE

C-50a - The annual review of the food service policy by a qualified dietician of the Detroit Department of Health and Wellness Program was performed and approved on February 4, 2009.

The *Detainee Food Service Program and Personal Hygiene Practices Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with the following requirements:

C-50b . See the status of Paragraph C-49.

C-50c - The AT determined that the DPD is not adequately documenting the allocation of regular, adequate and timely meals served to detainees, including the time and the type of meal offered.

C-50d - The AT determined that the DPD is not adequately documenting that food service is being provided to all detainees in custody in excess of six hours.

Sub-paragraphs C-50c and C-50d require substantive documentation on the *Daily Detainee Meal and Hygiene Items Log+* (DDMHL), which the audit report demonstrated is not being thoroughly and consistently completed. The audit report was forwarded to all District commanding officers on February 2, 2009, as required in Paragraph C-72, in order to address any deficiencies specific to their employees.

The semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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### Paragraph C-51

### Personal Hygiene Policies

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The DPD shall ensure that personal hygiene items are made available as needed. Available hygiene items should include: soap, toothbrushes, toothpaste, toilet paper, a comb, deodorant, and feminine hygiene products. The DPD shall implement this provision within one month of the effective date of this Agreement.

### STATUS: IN SUBSTANTIAL COMPLIANCE

The *Detainee Food Service Program and Personal Hygiene Practices Audit Report*, which was submitted to the Monitor on January 31, 2009, evaluated the DPD's compliance with this requirement. The AT found the DPD compliant with the requirements of Paragraph C-51. The Monitor also found the DPD in compliance in her report for the quarter ending February 28, 2009.

The semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-78.

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#### **Paragraph C-52**

#### **Use of Force and Restraints Policies**

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The DPD shall require that any use of force on prisoners in holding cells complies with the DPD's use of force policies and procedures.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs C-52 and C-53, the detailed status of this paragraph is reported jointly under Paragraph C-53.

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#### **Paragraph C-53**

#### **Use of Force and Restraints Policies**

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The DPD shall revise and augment its policies regarding prisoners to require that:

- a. officers utilize appropriate precautions when interacting with a prisoner who has previously demonstrated he or she is recalcitrant or resistant, including: summoning additional officers; summoning a supervisor; and using appropriate restraints;
- b. absent exigent circumstances, officers notify a supervisor before using force on a prisoner who is confined to a cell; and
- c. the supervisor assess the need to use force on a prisoner who is confined to a cell, direct any such use of force and ensure the incident is videotaped.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated the Directives 304.2, *Use of Force*; 305.4, *Holding Cell Areas*; and Training Directive 04-7, *Use of Force/Detainee Injuries or Allegations of Injuries Reporting and Investigating*, as reported by the Monitor in her quarterly report ending February 28, 2006. The aforementioned directives define and satisfy the policies required by Paragraphs C-52 and C-53.

The Monitor assessed DPD's compliance levels relative to the requirements of these paragraphs utilizing the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* submitted on January 31, 2009. The Monitor determined that the DPD was in partial compliance with the requirements of Paragraph C-52, based upon the fact that there were two incidents identified that

involved policy violations. However, these violations were identified by DPD management and the involved member is currently being investigated and may be criminally charged.

In regards to Paragraph C-53, the Monitor determined that the DPD was not in compliance with the requirements of the paragraph. This was based upon the DPD's failure to document the assistance requested and/or provided in connection with force incidents. In response, the DPD issued two separate but distinct Roll Call Trainings. The first being entitled *Arrest and Police/Citizen Contact Tactics and Their Supervisory Evaluation* (Teletype #09-0222), which was delivered to DPD members January 24, 2009 through January 30, 2009. The second is entitled *Documentation Requirements for Instances of Confronting Resistant or Defiant Detainees* (Teletype #09-1462), which was delivered to DPD members April 25, 2009 through May 1, 2009.

The training requirement for this paragraph is evaluated under Paragraph C-73.

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#### **Paragraph C-54**

#### **Use of Force and Restraints Policies**

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The DPD shall not handcuff prisoners to benches for longer periods of time than are necessary.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The provisions of this paragraph are addressed in the *Holding Cell Areas* Directive, 305.4.

The DPD prohibits the handcuffing of a detainee to a fixed object for periods longer than three (3) hours. The HCCC conducts inspections to evaluate the DPD's compliance with this paragraph. During the months of March, April and May 2009, these inspections found all of the five holding cell facilities compliant with the requirement of this paragraph. In addition, further inspections were conducted by the OCR during May 2009, at each of the holding cell facilities, which revealed no violations of this paragraph's requirement.

The Monitor in her reports for the quarters ending February 29, 2008, August 31, 2008 and February 28, 2009, found the DPD in compliance with the requirements of this paragraph.

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#### **Paragraph C-55**

#### **Incident Documentation, Investigation and Review**

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The DPD shall require that all uses of force, injuries to prisoners and in-custody deaths occurring in the DPD holding cells are investigated in compliance with the DPD's general incident investigation policies.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-55, C-56, and C-57, the status of this paragraph is reported jointly under Paragraph C-57.

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**Paragraph C-56**

**Incident Documentation, Investigation and Review**

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The DPD shall require that all uses of force occurring in DPD holding cells are reported and investigated in compliance with the DPD's use of force investigation policies.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-55, C-56, and C-57, the status of this paragraph is reported jointly under Paragraph C-57.

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**Paragraph C-57**

**Incident Documentation, Investigation and Review**

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The DPD shall require that all injuries to prisoners occurring in DPD holding cells are reported and investigated in compliance with the DPD's prisoner injury investigation policies.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated the Directives 102.4, *Code of Conduct*; 304.2, *Use of Force*; 305.4, *Holding Cell Areas*; and Training Directive 04-7, *Use of Force/Detainee Injuries or Allegations of Injuries Reporting and Investigating*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraphs C-55, C-56, and C-57.

The combined *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*,<sup>28</sup> which was submitted to the Monitor on January 31, 2009, did not specifically report on the DPD's compliance with the requirements of Paragraphs C-55, C-56 and C-57, per se. Rather, due to the association of these paragraphs with the UOF investigation reporting requirements (U27-36), the audit report found that the DPD is non-compliant with the requirements through their correlation with the UoF paragraphs.

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<sup>28</sup> In the 2008/2009 *Audit Protocol* it was determined to collectively incorporate the auditing requirements of Paragraph C-65 into one audit report.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph C-72, in order to address any deficiencies identified in the audit report.

The *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* is scheduled for submission on July 31, 2009.<sup>29</sup>

The training requirement for this paragraph is evaluated under Paragraph C-73.

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#### **Paragraph C-58**

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#### **External Complaints**

The DPD shall ensure that it accepts and processes all external complaints regarding incidents occurring in holding cells consistent with the DPD's external complaint policies.

#### **STATUS: IN PARTIAL COMPLIANCE**

Due to the association between Paragraphs C-58 and C-59, the status of this paragraph is reported jointly under Paragraph C-59.

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#### **Paragraph C-59**

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#### **External Complaints**

The DPD shall ensure that all external complaints it receives regarding incidents occurring in holding cells are investigated and reviewed consistent with the DPD's policies concerning external complaint investigations and review.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD effectively disseminated Directive 102.6, *Citizen Complaints*, as determined by the Monitor in the quarterly report ending November 30, 2005, which is inclusive of the requirements of Paragraphs C-58 and C-59. The policy requires that all external complaints emanating from incidents occurring in holding cells and/or holding cell areas are forwarded to the Office of the Chief Investigator (OCI) for investigation. Once these formal complaints are satisfactorily investigated, according to the OCI's protocol and standards, the findings of the investigations are thoroughly reviewed by the Board of Police Commissioners (BOPC) then forwarded to the Chief of Police or her designee for final disposition.

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<sup>29</sup> The audits will revert back to being completed individually and/or combined with UoF audit reports, versus collectively.

During the quarter ending November 30, 2008, the DPD conducted training relative to these paragraph requirements to OCI/IA/FI personnel utilizing the *OCI/IA/FI Investigatory Lesson Plan*.<sup>30</sup>

The Monitor in her report for the quarter ending May 31, 2008 and November 30, 2008, found the DPD in compliance with regard to Paragraph C-58. This determination was based upon the AT's assessment of compliance for holding cell related external complaints identified in the *AOMHC Audit Reports* submitted January 31, 2008 and July 31, 2008. To that end, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009, again evaluated the DPD's compliance with this requirement. The AT determined the DPD in partial compliance with the requirement of Paragraph C-58<sup>31</sup> and in non-compliance with Paragraph C-59.

The *UoF/AOMHC Audit Reports* are scheduled for submission on July 31, 2009.

The training requirement for these paragraphs are evaluated under Paragraph C-73.

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## Paragraph C-60

## General Policies

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In developing, revising, and augmenting the policies discussed in this Agreement, the DPD shall ensure that all terms are clearly defined.

### STATUS: IN SUBSTANTIAL COMPLIANCE

The DPD, with the effective dissemination of Directive 404.1, *Definitions*, and Training Directive 05-07, *Probable Cause*, has ensured that all terms are clearly defined pursuant to Paragraph C-60.<sup>32</sup> The DPD has established the Policy Focus Committee for the current calendar year (Special Order #09-10), which is comprised of members of various ranks from various commands throughout the DPD. The committee is scheduled to meet on a semi-annual basis. The protocol for the committee, as submitted to the Monitor on December 4, 2006, describes that there is a schedule for entities of the DPD to conduct reviews of relevant policies. Planning is responsible for ensuring that any revisions do not alter the relevant terms contained in and defined in the CJs. The Policy Focus Committee met on May 12, 2009, and discussed the plans for making revisions to the DPD Manual. The next meeting will convene in November 2009. During this quarter, there were no policies submitted to the Board of Police Commissioners.

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<sup>30</sup> OCI Investigators were trained on 11/6/2008 and IA/FI Investigators were trained on 11/12/2008.

<sup>31</sup> It was determined that one of the four complaints identified in the population was not assigned to the appropriate agency within 5 business days of receipt; otherwise compliance would have been accomplished.

<sup>32</sup> In addition, many DPD Directives contain a definitions section to create consistency and to provide direction to DPD members.

The Monitor reported the DPD was in compliance with the requirement of this paragraph in her reports for the quarters ending November 30, 2007, May 31, 2008 and November 30, 2008.

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**Paragraph C-61**


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**General Policies**


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The DPD shall continue to make available proposed policy revisions to the community, for review, comment and education. Such policy revisions shall also be published on the DPD's website to allow comments to be provided directly to the DPD.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has had a dedicated email address since July 2004 on the City of Detroit's website that allows for citizen comments to be provided directly to the DPD. To date, no comments have been received regarding any of the DPD's policies. The DPD requires that all proposed policy revisions are posted for a period of 30 days to the City of Detroit's website. The OCI is currently operating under the Procedure for Reviewing Comments on Policies Posted to the DPD Website Protocol that was approved by the Monitor in her report for the quarter ending November 30, 2006.

Every policy that is developed or that is substantively or procedurally revised is presented to the BOPC. Meetings of the BOPC are open to the public and are often held as community forums. The DPD not only presents and explains new policies and directives, but encourages comments and input from the community. The DPD has presented directives and solicited input at Citizen Police Academies, community relations groups and at high schools in the city of Detroit as part of their civic programs or assemblies, and has conducted over 20 presentations to date, relative to CJ paragraphs to the BOPC.

The Monitor has found the DPD compliant with the requirements of Paragraph C-61 in the last five evaluations, for the quarters ending November 30, 2006, May 31, 2007, November 30, 2007, May 31, 2008 and November 30, 2008.

There were no proposed policy revisions submitted to the BOPC during this quarter.

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**Paragraph C-62**


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**Management and Supervision**


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The DPD shall routinely evaluate the operation of the holding cells to minimize the risk of harm to staff and prisoners.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The HCCC performs unannounced District holding cell inspections relative to the holding cell audits. In addition, inspections are performed and documented on the *Evaluation of the Operation of the Holding Cells* form (DPD715), relative to the operations of the holding cells. During the months of March, April and May 2009, inspections were conducted by the HCCC of all of the five holding cell facilities, including DRH. In addition, during the 22<sup>nd</sup> quarter, the Monitor provided recommendations to improve the *Evaluation of the Operation of the Holding Cells* form.<sup>33</sup> Revisions of the form were made in March 2009. The HCCC inspections are being documented on the revised form.

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### Paragraph C-63

### Management and Supervision

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The DPD shall operate the holding cells in compliance with the DPD's comprehensive risk management plan including implementation of:

- a. the risk management database;
- b. the performance evaluation system;
- c. the auditing protocol;
- d. regular and periodic review of all DPD policies; and
- e. regular meetings of DPD management to share information and evaluate patterns of conduct by DPD that potentially increase the DPD's liability.

### STATUS: IN SUBSTANTIAL COMPLIANCE

C-63a - On August 11, 2008, the DPD implemented the Management Awareness System (MAS) department wide.

C63b<sup>34</sup> . The DPD continues to complete performance evaluations of all personnel as required by Directive 401.1, *Performance Evaluation Ratings*. All members of the rank of police officer through lieutenant are to be evaluated twice a year, and the rank of inspector and commander are to be evaluated annually. Civilian personnel are evaluated annually as well. The bi-annual evaluations for the rating period November 1, 2008 through April 30, 2009, are to be completed for final distribution by June 20, 2009. This information was disseminated through a department teletype (#09-1680) on May 8, 2009.

C-63c - The *2008-2009 Audit Protocol* for the current fiscal year was prepared and submitted to the Monitor on August 31, 2008. The DPD continues to operate in accordance with the protocol.

C63d - This paragraph is closely associated with Paragraph C-60, see the discussion of the status of Paragraph C-60, above. The Monitor in her reports for the quarters ending February 28, 2007, August 31, 2007, February 29, 2008,

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<sup>33</sup> This discussion took place on December 18, 2008.

<sup>34</sup> The paragraph is related to Paragraphs U-78b and U-91.



August 31, 2008 and February 28, 2009, found the DPD compliant with this paragraph.

C63e - The DPD continues to participate in quarterly meetings with the City's Law Department, as required by U-110,<sup>35</sup> to identify and evaluate patterns of conduct that may potentially increase civil liability. In addition, at the DPD's Senior Management Team meetings, there are discussions concerning patterns of conduct by DPD members that may increase the DPD's civil liability. The discussions focused on the importance of DPD management being trained on and utilizing MAS; ensuring that members attend and participate in semi-annual firearms qualifications; ensuring that DPD officers and supervisors attend and participate in the annual 40 hour in-service training that commenced in August, 2008, which will improve the delivery of service to the citizens and improve on the DPD's members' compliance with policies and procedures. In the Monitor's reports for the quarters ending February 29, 2008, August 31, 2008 and February 28, 2009, the DPD was found to be in compliance with this requirement.

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#### Paragraph C-64

#### Management and Supervision

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The DPD policy on video cameras shall be revised and augmented to require:

- a. the installation and continuous operation of video cameras in all prisoner processing areas of DPD holding cells within one year of the effective date of this Agreement;
- b. supervisors to review videotapes of all incidents involving injuries to a prisoner or an officer, uses of force and external complaints;
- c. that the DPD retain and preserve videotapes for at least 90 days, or as long as necessary for incidents to be fully investigated; and
- d. that the DPD conduct and document periodic random reviews of prisoner processing area camera videotapes for training and integrity purposes and conduct periodic random surveys of prisoner processing area video recording equipment to confirm that it is in proper working order.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directive 305.4, *Holding Cell Areas*, as reported by the Monitor in her report for the quarter ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph C-64. The *Video Review Protocol*, with associated logs and forms, were initially approved by the Monitor on May 16, 2005. However, due to the operational concerns, the DPD revised the policy, logs, and form. These documents were submitted to the Monitor on October 28, 2007. On February 28, 2008, the Monitor provided written recommendations concerning the revised documents. The DPD

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<sup>35</sup> The most recent of the U-110 meetings were held on February 10, 2009 and April 27, 2009.

made revisions to the protocol based on the Monitor's recommendations and resubmitted the documents to the Monitor on March 28, 2008.<sup>36</sup> On April 28, 2008, the Monitor responded that the documents that were resubmitted adequately addressed the policy concerns that were raised in the Monitor's memorandum dated February 28, 2008. On May 26, 2008, based on experience with the use of the video systems and the use of forms, the DPD made additional modifications to the protocol and one related form, and submitted these documents to the Monitor. On July 9, 2008, the Monitor responded that the documents adequately addressed the requirements of this paragraph. The DPD is in the process of implementing this policy.

C-64a . The DPD's Technology Services Bureau continues to operate, maintain and ensure the proper functionality of all digital video equipment in holding cell processing areas. Although the DPD intends to provide DPD members with training regarding this requirement, the installation of the equipment and continuous operation of the video equipment is the responsibility of the Technology Services Bureau. The reviews and inspections being conducted in accordance with Paragraph C-64d will evaluate the DPD's compliance with this subparagraph.

C64b . The *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted by the DPD on January 31, 2009, did not evaluate the DPD's compliance with this requirement. However, the OCR performed an inspection of the 14 command investigations inclusive to the audit, where a supervisory review of the videotape should have been performed. It was determined that there were six incidents where the review was documented as actually being performed. In the remaining eight incidents, a supervisory review of the videotape was not documented in four of the incidents. In the remaining four incidents, there was documentation to support that either there is a pending request for the videotape to be obtained, the videotape was no longer available or the video system did not work at the time of the incident.

C-64c - The DPD's Technology Services Bureau maintains the archives of digitally captured video for 90 days, or for longer periods when an investigation will take longer than 90 days to conclude. The video archive system also provides supervisors the option of downloading the video to a desktop computer and/or a CD-ROM for review and retention purposes.

C-64d . During this quarter, members of the HCCC performed monthly random inspections of the video camera equipment located within the processing areas of all District holding cell facilities for operability. When there is a camera that is identified as inoperable, the appropriate personnel assigned to the Technology Services Bureau are notified to ensure that the necessary repairs are made. The inspections confirmed that all detainee processing area cameras were in operation, with the exception of the Eastern District. The Technology Services Bureau personnel

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<sup>36</sup> In addition, based on the response sent on March 28, 2008, to the Monitor, on April 28, 2008, members of the Monitor's team and the DPD discussed issues relative to the implementation requirements of this paragraph and Paragraph U-98 (Random reviews of in-car videos and equipment).

notified the HCCC that this was due to an electrical problem at the Eastern District.<sup>37</sup>

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## Paragraph C-65

## Management and Supervision

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The DPD shall conduct regularly scheduled quarterly audits, covering all DPD units and commands that investigate uses of force(a), injuries to prisoners(b) and allegations of misconduct in holding cells(c), including:

- a. reviewing a sample of command, IAD, and Homicide Section investigations;
- b. evaluating whether the actions of the officer and the subject were captured correctly in the investigative report;
- c. evaluating the preservation and analysis of the evidence;
- d. examining whether there is consistency in use of force and injured prisoner investigations throughout the DPD;
- e. evaluating the appropriateness of the investigator's conclusions; and
- f. issuing a written report regarding the findings of the audit.

## STATUS: EFFORTS MADE TOWARD COMPLIANCE

During this audit reporting period the AT combined these three audits reports into one collective report.<sup>38</sup> However, the audit reports scheduled to be submitted on July 31, 2009, will be combined with correlated Use of Force audits.<sup>39</sup>

C-65a . The semi-annual *Use of Force in Holding Cells Audit Report* was inclusive to the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be non-compliant.

C-65b . The semi-annual *Prisoner Injury Audit Report* was inclusive to the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be non-compliant.

C-65c . The semi-annual *Allegations of Misconduct in Holding Cells Audit Report* was inclusive to the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be non-compliant.

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## Paragraph C-66

## Management and Supervision

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<sup>37</sup> On May 27, 2008, the Technology Services Bureau reported that a purchase order was being processed to have an electrical contractor diagnose and repair the problem. As of this quarter, this repair is still pending.

<sup>38</sup> Past audit reports were submitted as individual reports, as was consistent to the Monitor's methodologies.

<sup>39</sup> C-65a will be combined with U-94a; C-65b and c will be combined with U-94c.

The DPD shall create a Holding Cell Compliance Committee that is responsible for assuring compliance with requirements of this Agreement. The Holding Cell Compliance Committee shall conduct regularly scheduled quarterly audits in all buildings containing holding cells to evaluate compliance with the fire detection, suppression and evacuation program, including:

- a. testing a sample of smoke detectors and sprinklers;
- b. testing the back-up power systems;
- c. reviewing a sample of fire equipment testing and maintenance records; and
- d. issuing a written report regarding the findings of the audit.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENT TO CREATE A HOLDING CELL COMPLIANCE COMMITTEE; EFFORTS MADE TOWARDS COMPLIANCE**

For the purposes of consistency with the Monitor's reporting practices, the status for this paragraph will be separated into two sub-paragraphs based on the first and second sentence of Paragraph C-66, designating the first sentence as Paragraph C-66(a) and the second sentence as Paragraph C-66(b).

C-66a - The HCCC, the entity responsible for assuring compliance of the COC CJ, continues to hold bi-weekly meetings where discussions take place to address compliance issues relative to the requirements of this consent judgment. The DPD continues to maintain agendas of all meetings, a sign-in sheet for the attendees and digital recordings of the meetings or scribed meeting minutes. Additionally, the HCCC publishes a periodic newsletter of recently gleaned material. The most recent of these being disseminated through department electronic mail on November 15, 2008.

C-66b - The Monitor in her report for the quarter ending May 31, 2008, found the DPD in compliance with the requirement of this paragraph based on the semi-annual *Fire Safety Practices and Policies Audit Report* that was submitted on January 31, 2008. The previous semi-annual *Fire Safety Practices and Policies Audit Report*, as was submitted July 31, 2007, was determined to be compliant by the Monitor in her report for the quarter ending November 30, 2007.

The scheduled semi-annual *Fire Safety Practices and Policies Audit Report* to be submitted on July 31, 2008, was not completed due to the ongoing LSC upgrades in all holding cell facilities.

The current semi-annual *Fire Safety Practices and Policies Audit Report* was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be compliant.

The semi-annual *Fire Safety Practices and Policies Audit Report* is scheduled to be submitted on July 31, 2009.

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**Paragraph C-67**
**Management and Supervision**


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The Holding cell compliance committee shall conduct regularly scheduled quarterly audits in all buildings containing holding cells to evaluate emergency preparedness, including:

- a. reviewing a sampling of key and fire equipment maintenance and inventory records;
- b. interviewing selected detention officers about their participation in fire drills and on their responsibilities under the emergency preparedness program and testing their ability to identify keys necessary to unlock all holding cell doors; and
- c. issuing a written report regarding the findings of the audit.

**STATUS: IN PARTIAL COMPLIANCE**

The Monitor in her report for the quarter ending May 31, 2008, found the DPD in compliance with the requirement of this paragraph based on the semi-annual *Emergency Preparedness Program Audit Report* that was submitted on January 31, 2008. The previous semi-annual *Emergency Preparedness Program Audit Report*, as was submitted July 31, 2007, was determined to be compliant by the Monitor in her report for the quarter ending November 30, 2007.

The most recently reviewed semi-annual *Emergency Preparedness Program Audit Report* was submitted on July 31, 2008. The Monitor determined that the audit report was not in compliance with this paragraph during the report quarter ending November 30, 2008.

The current semi-annual *Emergency Preparedness Program Audit Report* was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be partially compliant.

The semi-annual *Emergency Preparedness Program Audit Report* is scheduled to be submitted on July 31, 2009.

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**Paragraph C-68**
**Management and Supervision**


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The Holding cell compliance committee shall conduct regularly scheduled quarterly audits in all buildings containing holding cells to evaluate the medical/mental health programs and policies, including:

- a. reviewing a sampling of hospital referral forms in comparison to prisoner

- intake forms to evaluate the accuracy of the intake screening and whether appropriate action was taken;
- b. observing intake screening interviews to assess thoroughness;
- c. reviewing a sampling of the prescription medication log to ensure that medications were administered as prescribed and that their distribution was accurately recorded; and
- d. issuing a written report regarding the findings of the audit.

#### **STATUS: EFFORTS MADE TOWARD COMPLIANCE**

The semi-annual *Medical/Mental Health Program and Policies Audit Report* was submitted to the Monitor on January 31, 2009. It is currently being reviewed by the Monitor.

The semi-annual *Medical/Mental Health Program Audit Report* is scheduled to be submitted on July 31, 2009.

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#### **Paragraph C-69**

#### **Management and Supervision**

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The Holding cell compliance committee shall conduct regularly scheduled quarterly audits in all buildings containing holding cells to evaluate the detainee safety programs and policies, including:

- a. reviewing a sampling of security screening records, including written supervisory approvals, to ensure that prisoners are being properly screened and housed;
- b. reviewing a sampling of the cell checks logs to ensure that checks are being accurately and regularly performed and that cell check logs are receiving supervisory review and written approval; and
- c. issuing a written report regarding the findings of the audit.

#### **STATUS: EFFORTS MADE TOWARD COMPLIANCE**

The Monitor in her report for the quarter ending February 28, 2008, found the DPD in compliance with the requirement of this paragraph based on the semi-annual *Detainee Safety Program and Policies Audit Report* that was submitted on January 31, 2008.

The most recently reviewed semi-annual *Detainee Safety Program and Policies Audit Report* was submitted to the Monitor on July 31, 2008. The Monitor determined that the audit report was not in compliance with this paragraph during the report quarter ending November 30, 2008.

The current semi-annual *Detainee Safety Program and Policies Audit Report* was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be partially compliant.

The semi-annual *Detainee Safety Program and Policies Audit Report* is scheduled to be submitted on July 31, 2009.

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**Paragraph C-70**
**Management and Supervision**


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The Holding cell compliance committee shall conduct regularly scheduled quarterly audits in all buildings containing holding cells to evaluate the environmental health and safety programs, including:

- a. inspecting holding cells and surrounding areas to ensure that they are clean and clear of debris and that the lighting, sinks and toilets are operable;
- b. reviewing a sampling of cleaning and maintenance logs to ensure they are properly maintained and reflect the scheduled performance of the requisite cleaning and maintenance tasks;
- c. reviewing the systems in place for assuring that all prisoners have reasonable access to potable water and toilets 24 hours a day;
- d. observing whether holding cells are free of any potential suicide hazards; and
- e. issuing a written report regarding the findings of the audit.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The Monitor in her report for the quarter ending August 31, 2008, most recently found the DPD in compliance with the requirement of this paragraph based on the semi-annual *Environmental Health and Safety Audit Report* that was submitted on July 31, 2008. The previous three semi-annual *Environmental Health and Safety Audit Reports*, as were submitted January 31, 2007, July 31, 2007 and January 31, 2008, were also determined to be compliant by the Monitor.

The current semi-annual *Environmental Health and Safety Audit Report* was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be compliant in her report for the quarter ending February 28, 2009.

The semi-annual *Environmental Health and Safety Audit Report* is scheduled to be submitted on July 31, 2009.

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**Paragraph C-71**
**Management and Supervision**


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The Holding cell compliance committee shall conduct regularly scheduled quarterly audits of all buildings containing holding cells to evaluate the food service program, including:

- a. reviewing a sample of food service documentation to evaluate whether prisoners who are held over six hours receive regular and adequate meals;

- b. assuring that food is handled in a sanitary manner; and
- c. issuing a written report regarding the findings of the audit.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The Monitor in her report for the quarter ending May 31, 2008, found the DPD in compliance with the requirement of this paragraph based on the semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* that was submitted on January 31, 2008.

The semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* was submitted to the Monitor on July 31, 2008. The Monitor determined that the audit report was not in compliance with this paragraph during the report quarter ending November 30, 2008.

The current semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* was submitted to the Monitor on January 31, 2009. The Monitor determined the audit report to be compliant in her report for the quarter ending February 28, 2009.

The semi-annual *Detainee Food Service Program and Personal Hygiene Practices Audit Report* is scheduled to be submitted on July 31, 2009.

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#### **Paragraph C-72**

#### **Management and Supervision**

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The DPD shall issue all audit reports to the Chief of Police and also provide copies to each precinct or specialized unit commander. The commander of each precinct and specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

All audit reports are forwarded to the Chief of Police and department executives in accordance with this paragraph. During the previous review quarter ending January 31, 2009, the DPD AT submitted all of the completed COC CJ related audits, via electronic mail, to the Chief of Police and all commanding officers.

In addition, commanders are required to document corrective actions taken in response to audit findings and take appropriate corrective action regarding employees under their command. During this quarter, the OCR developed a tracking mechanism for audit findings specific to employees where corrective action is required. This effort will assist the DPD in its efforts toward compliance with this requirement. The DPD understands that the documentation of corrective action in response to audits is of the highest importance and it continues to strive to meet that



requirement. During this reporting quarter and in response to the findings contained in the semi-annual audit reports, the OCR issued Corrective Action Notices (CAN) to the certain commands to assist them in addressing employee specific behaviors that were found to be in violation via the audits. Additionally, the DPD Compliance Team is in ongoing consultation with the Monitor's Auditing Team in developing a most pragmatic approach to obtaining compliance with the paragraph.

During the past reporting period, the AT completed and submitted to the Monitor 10 audit reports (seven COC and three UOF). These audit reports were forwarded to the Chief of Police and commanding officers for their review and prerogative.

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**Paragraph C-73**
**Training**


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The DPD shall provide comprehensive pre-service and in-service training to all detention officers.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-73, C-75, C-76, C-77 and C-78, the status of this paragraph is reported jointly under Paragraph C-78.

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**Paragraph C-74**
**Training**


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The DPD shall create and maintain individual training records for all detention officers, documenting the date and topic of all pre-service and in-service training completed for all training completed on or after the effective date of this Agreement.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

The DPD utilizes the Michigan Commission on Law Enforcement Standards (MCOLES) Information & Tracking Network (MITN) system to maintain individual training records for sworn members. Members of the Training Center are continuing to enter training records<sup>40</sup> into the MITN system. However, as of the date of this report, the number of training records entered does not meet the requirements of this paragraph. The Office of Training and Professional Development was assigned additional personnel to address the issue of entering the records into the MITN system. It is anticipated that the entry of training records will be expedited due to the additional personnel being assigned to this task. The method for capturing all training records for non-sworn members is under review at this time.

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<sup>40</sup> Historical training data as well as any training that has been conducted recently.

**Paragraph C-75****Training**

The DPD shall provide all detention officers, supervisors of detention officers and members of the Holding cell compliance committee with annual training in emergency preparedness. Such training shall include drills and substantive training in the following topics:

- a. emergency response plans and notification responsibilities;
- b. fire drills and use of fire extinguishers and other fire suppression equipment;
- c. key control drills and key control policies and procedures; and
- d. responding to emergency situations, including scenarios detention officers likely will experience.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-73, C-75, C-76, C-77 and C-78, the status of this paragraph is reported jointly under Paragraph C-78.

**Paragraph C-76****Training**

The DPD shall provide all detention officers, supervisors and members of the Holding cell compliance committee with annual training in the medical/mental health screening programs and policies. Such training shall include and address the following topics:

- a. prisoner intake procedures and medical and mental health protocols, including protocols for transferring or housing prisoners with infectious diseases, disabilities and/or requiring increased monitoring;
- b. recording, updating and transferring prisoner health information and medications;
- c. the prescription medication policy, including instructions on the storage, recording and administration of medications; and
- d. examples of scenarios faced by detention officers illustrating proper intake screening and action in response to information regarding medical and mental health conditions.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-73, C-75, C-76, C-77 and C-78, the status of this paragraph is reported jointly under Paragraph C-78.

**Paragraph C-77****Training**

The DPD shall provide all detention officers, supervisors and members of the

Holding cell compliance committee with annual training in detainee safety programs and policies. Such training shall include and address the following topics:

- a. the security screening program, including protocols for identifying and promptly and properly housing suspected crime partners, vulnerable, assaultive or special management prisoners;
- b. protocols for performing, documenting and obtaining supervisory review of holding cell checks;
- c. protocols concerning prisoners in observation cells, including protocols for direct and continual supervision, for spotting potential suicide hazards and providing appropriate clothing; and
- d. examples of scenarios faced by detention officers illustrating appropriate security screening, segregation and monitoring techniques.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs C-73, C-75, C-76, C-77 and C-78, the status of this paragraph is reported jointly under Paragraph C-78.

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**Paragraph C-78**

**Training**

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The DPD shall provide all detention officers, supervisors and members of the Holding cell compliance committee with annual training in environmental health and safety and hygiene. Such training shall include and address the following topics:

- a. cell block cleaning and maintenance protocols; and
- b. sanitary food preparation and delivery protocols.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

In order to comply with the requirements of these paragraphs, the DPD developed the Detention Officer Training Lesson Plan. On July 22, 2008, the Monitor forwarded a memorandum acknowledging that the lesson plan meets the necessary CJ requirements

The Office of Training and Professional Development commenced training on the Monitor approved Detention Officer Training Lesson Plan on January 13-15, January 27-29, February 10-12, February 24-26, March 10-12, March 24-26, April 28-30 and May 19-21, 2009. Additionally, the most recently promoted supervisors were trained during the DPD's Lieutenant and Sergeant's Promotional Assessment Courses on the dates of August 27 and 28, 2008. As of the end of the reporting period for May 31, 2009, 147 members have been trained.

## 23<sup>rd</sup> QUARTER EVALUATION USE OF FORCE

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### Paragraph U-14

### Use of Force Policy

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The DPD shall revise its use of force policies to define force as that term is defined in this Agreement.

### STATUS: IN SUBSTANTIAL COMPLIANCE

The requirements of Paragraphs U-14-19 are included in Directive 304.2, *Use of Force*. The term *force* as defined in the UOF CJ, has been incorporated into the following DPD UOF policies: Directive 201.4, *Canine (K-9) Operations*; Directive 304.2, *Use of Force*; Directive 304.3, *Chemical Spray*; Directive 304.4, *PR-24 Collapsible Baton*; and Directive 404.1, *Definitions*. A use of force continuum that includes all of the elements of Paragraph U-15 has been incorporated into Directive 304.2, *Use of Force* and Training Directive 04-3, *Use of Force Continuum*. The Monitor determined that all of the directives, which have been approved by the DOJ and/or the Monitor, were properly disseminated to DPD members.

The Monitor found the DPD compliant with this paragraph, and associated paragraphs, U-15, U-16, U-17, and U-19, in her report for the quarter ending November 30, 2006, based upon a determination that the applicable DPD policies were revised and adequately disseminated in accordance with the implementation requirements. The Monitor determined that the above-cited paragraphs only required that the DPD's policies be revised and that the implementation of the policies will be evaluated under Paragraph U-18. The status of the DPD's implementation of the policies is described under Paragraph U-18, below.

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### Paragraph U-15

### Use of Force Policy

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The use of force policy shall incorporate a use of force continuum that:

- a. identifies when and in what manner the use of lethal and less than lethal force are permitted;
- b. relates the force options available to officers to the types of conduct by individuals that would justify the use of such force; and
- a. states that de-escalation, disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units are often the appropriate response to a situation.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

See the discussion under Paragraph U-14, above.

**Paragraph U-16****Use of Force Policy**

The use of force policy shall reinforce that individuals should be provided an opportunity to submit to arrest before force is used and provide that force may be used only when verbal commands and other techniques that do not require the use of force would be ineffective or present a danger to the officer or others.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

See the discussion under Paragraph U-14, above.

**Paragraph U-17****Use of Force Policy**

The use of force policy shall prohibit the use of choke holds and similar carotid holds except where deadly force is authorized.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

See the discussion under Paragraph U-14, above.

**Paragraph U-18****Use of Force Policy**

The DPD shall develop a revised use of force policy within three months of the effective date of this Agreement. The policy shall be submitted for review and approval of the DOJ. The DPD shall implement the revised use of force policy within three months of the review and approval of the DOJ.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The Monitor in her report for the quarter ending November 30, 2008, evaluated this paragraph and found the DPD non-compliant with the implementation requirements of Paragraphs U-14 through U-17 and U-19. The Monitor noted that the DPD was complying to the use of force policy and the use of force continuum for all investigations reviewed. However, the Monitor determined that the DPD failed to definitively articulate in the initial use of force reporting and in the supervisory investigation report the tactical procedures+or measures taken %to avoid the need for the UoF.+

Thus, the Monitor determined the DPD to be specifically non-compliant with the requirements of Paragraph U-15c.

In response, the DPD issued a weekly roll call training (teletype #09-0222) on January 23, 2009, addressing and explaining the importance of articulating and evaluating the tactics employed when reporting and investigating uses of force.

The training requirement for this paragraph is evaluated under Paragraph U-112.

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#### **Paragraph U-19**

#### **Use of Force Policy**

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The use of force policy shall provide that a strike to the head with an instrument constitutes a use of deadly force.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

See the discussion under Paragraph U-14, above.

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#### **Paragraph U-20**

#### **Use of Force Policy**

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The DPD shall revise its use of firearms policies to provide that officers must successfully qualify with their department-issued firearm and any other firearm they are authorized to use or carry on-duty on a bi-annual basis, as described in paragraph 113.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The policy that contains the provisions of this paragraph, Directive 304.1, *Firearms*, which has been effectively disseminated, has not been revised since the quarter ending August 31, 2006. According to the Monitor's report for the quarter ending August 31, 2006, the Monitor determined that this is a %policy only+paragraph and that implementation and training would be assessed separately under Paragraph U-113.

The training requirement for this paragraph is evaluated under Paragraph U-113.

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#### **Paragraph U-21**

#### **Use of Force Policy**

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Officers who fail to re-qualify shall be relieved of police powers and relinquish immediately all department-issued firearms. Those officers who fail to re-qualify after remedial training within a reasonable time shall be subject to disciplinary action, up to and including a recommendation for termination of employment.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directives 304.1, *Firearms*, and 304.2, *Use of Force*, as reported by the Monitor in her report for the quarter ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-21. The DPD has met the policy dissemination requirements of this paragraph.

The Monitor approved the *Firearms Lesson Plan* on March 17, 2008, and Firearms Training has been utilizing the lesson plan since that date for the past and most current bi-annual qualification period, which commenced on January 26, 2008. Subsequently, the Monitor withheld a determination regarding this paragraph in her report for the quarter ending August 31, 2008. Currently, the Office of Training and Professional Development is in the process of devising a systematic scheduling process in order to ensure that each DPD member attends the training on a bi-annual basis.

The training requirement for this paragraph is evaluated under Paragraph U-113.

**Paragraph U-22****Use of Force Policy**

The firearm policy shall prohibit firing at or from a moving vehicle. The policy shall also prohibit officers from intentionally placing themselves in the path of a moving vehicle.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directives 304.1, *Firearms*, and 304.2, *Use of Force*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-22. The DPD has met the policy dissemination requirements of this paragraph.

The DPD's efforts toward compliance with this paragraph relies on the providing of training to its members regarding these requirements. On August 4, 2008, the DPD commenced annual in-service use of force training to its members. The policy required by Paragraph U-22 is inclusive to this Monitor approved lesson plan. The Joint Investigation Shooting Team (JIST) continues to respond investigate and recommend corrective action (disciplinary and/or non-disciplinary) for members who violate the firing at a moving motor vehicle policy.

**Paragraph U-23****Use of Force Policy**

The DPD shall identify a limited selection of authorized ammunition and prohibit

officers from possessing or using unauthorized firearms or ammunition. The DPD shall specify the number of rounds DPD officers shall carry.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directives 304.1, *Firearms*, and 304.2, *Use of Force*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-23. The DPD has met the policy dissemination requirements of this paragraph.

The DPD is devising an effective method for demonstrating compliance with this paragraph. It is anticipated that the method will have been implemented and reported out in the 24<sup>th</sup> quarterly reporting period.

The Monitor approved the *Firearms Lesson Plan* on March 17, 2008, and Firearms Training has effectively been utilizing the lesson plan since that date for the past and most current bi-annual qualification period, which commenced on January 26, 2009. The policy required by Paragraph U-23 is inclusive to this approved lesson plan.

The training requirement for this paragraph is evaluated under Paragraph U-113.

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**Paragraph U-24**

**Use of Force Policy**

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The DPD shall select an intermediate force device, which is between chemical spray and firearms on the force continuum, that can be carried by officers at all times while on-duty. The DPD shall develop a policy regarding the intermediate force device, incorporate the intermediate force device into the force continuum and train all officers in its use on an annual basis.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directives 304.2, *Use of Force*; 304.4, *PR-24 Collapsible Baton*; and Training Directive 04-3, *Use of Force Continuum*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-24.

The DPD's efforts toward compliance with this paragraph relies on the providing of training to its members regarding these requirements. The DPD has been training on the PR-24 since November 29, 2005. Additionally, on August 4, 2008, the DPD commenced annual in-service use of force/PR-24 training to its members.



The training requirement for this paragraph is evaluated under Paragraph U-112.

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**Paragraph U-25**
**Use of Force Policy**


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The DPD shall revise its chemical spray policy to require officers to:

- a. provide a verbal warning and time to allow the subject to comply prior to the use of chemical spray, unless such warnings would present a danger to the officer or others;
- b. provide an opportunity for decontamination to a sprayed subject within twenty minutes of the application of the spray or apprehension of the subject;
- c. obtain appropriate medical assistance for sprayed subjects when they complain of continued effects after having been de-contaminated or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis or heart ailment) that may be aggravated by chemical spray and if such signs are observed the subject shall be immediately conveyed to a local hospital for professional medical treatment; and
- d. obtain the approval of a supervisor any time chemical spray is used against a crowd.

**STATUS: IN PARTIAL COMPLIANCE**

The DPD has effectively disseminated Directives 304.2, *Use of Force*; 304.3, *Chemical Spray*; and Training Directive 04-3, *Use of Force Continuum*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraphs U-25 and U-26. The DPD has met the policy dissemination requirements of these paragraphs.

The Monitor found the DPD in compliance with this paragraph, as well as Paragraph U-26, in her report for the quarter ending February 29, 2008. However, the Monitor's latest assessment during the quarter ending February 28, 2009, rendered a determination of non-compliance with the requirements of this paragraph. This was based upon that for the 15 UF-002 forms provided for the time period requested, only 12 corresponding UF-002A (SIR) were completed, which equates to an 80% compliance rate.

On August 4, 2008, the DPD commenced annual in-service use of force training to its members.

The training requirement for this paragraph is evaluated under Paragraph U-112.

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**Paragraph U-26**

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**Use of Force Policy**

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The DPD shall prohibit officers from using chemical spray on a handcuffed individual in a police vehicle. The DPD shall also prohibit officers from keeping any sprayed subject in a face down position, in order to avoid positional asphyxia.

**STATUS: EFFORTS MADE TOWARD COMPLIANCE**

See the discussion under Paragraph U-25, above.

The training requirement for this paragraph is evaluated under Paragraph U-112.

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**Paragraph U-27**

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**Incident Documentation, Investigation, and Review**

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The DPD and the City shall revise their policies regarding the conduct of all investigations to ensure full, thorough and complete investigations. All investigations shall, to the extent reasonably possible, determine whether the officer's conduct was justified and the DPD and the City shall prohibit the closing of an investigation being conducted by the DPD and/or the City simply because a subject or complainant is unavailable, unwilling or unable to cooperate, including a refusal to provide medical records or proof of injury.

**STATUS: IN COMPLIANCE**

The DPD has effectively disseminated the Directives 102.4, *Code of Conduct*, 304.2, *Use of Force*; and Training Directive 04-7, *Use of Force Detainee Injuries or Allegations of Injuries Reporting and Investigation*, as reported by the Monitor in her report for the quarter ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-27.

In an effort to provide an additional resource to ensure that investigations of uses of force contain the required information, and that the appropriate reviews are conducted, the OCR developed a Use of Force Evaluation Guide for supervisory personnel and the executives to utilize. The guide was disseminated on August 6, 2007, at the Senior Management Team meeting and, via email, to all executives. It is also available on the DPD's Intranet. On August 4, 2008, the DPD commenced annual in-service supervisor and leadership training to its supervisory members. The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The AT determined that the DPD is in compliance with the requirements of

Paragraph U-27 in this report.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

Additionally, the DPD issued a weekly roll call training (teletype #09-0481) on February 13, 2009, defining the procedure for taking allegations of force complaints. This procedure mandates that all allegations of force are captured on a UF-002 auditable form and also on a CCR. The subsequent investigation shall be handled by either FI or OCI, the command on no occasion shall conduct the investigation.

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#### **Paragraph U-28**

#### **Incident Documentation, Investigation, and Review**

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The DPD and the City shall ensure that investigations are conducted by a supervisor who did not authorize, witness or participate in the incident and that all investigations contain:

- a. documentation of the name and badge number of all officers involved in or on the scene during the incident and a canvass of the scene to identify civilian witnesses;
- b. thorough and complete interviews of all witnesses, subject to paragraph 31 below and an effort to resolve material inconsistencies between witness statements;
- c. photographs of the subjects~~s~~(s) and officers~~s~~(s) injuries or alleged injuries; and
- d. documentation of any medical care provided.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH U-28A, U-28B AND U-28D; EFFORTS MADE TOWARD COMPLIANCE WITH U-28C.**

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009.

In general, the AT determined in this audit report that use of force incidents are being investigated by a non-involved supervisor. The subparagraph findings are as follows:

U-28a . The AT determined that the DPD is compliant with the requirement to document the name and badge number of all officers involved in or on the scene during the incident.

U-28b . The AT determined that the DPD is compliant with the requirement of conducting thorough and complete interviews of all witnesses.

U-28c . The AT determined that the DPD is non-compliant with the requirement of photographing the subject(s) and officer(s) injuries or alleged injuries. The AT team determined that only seven of the 21 investigations inclusive to the audit population required photographs of a detainee, where a 29% compliance rate was calculated for those seven investigations. The AT determined that only one of the 21 investigations inclusive to the audit population required photographs of an officer, where a 0% compliance rate was calculated.

U-28d 6 The AT determined that the DPD is compliant with the requirement of documenting any medical care provided.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

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#### **Paragraph U-29**

#### **Incident Documentation, Investigation, and Review**

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The DPD and the City shall revise their procedures for all investigatory interviews to require:

- a. officers who witness or are involved in an incident to provide a timely statement regarding the incident (subject to paragraph 31 below);
- b. whenever practicable and appropriate, interviews of complainants and witnesses be conducted at sites and times convenient for them, including at their residences or places of business; and
- c. that all IAD, OCI and Critical Firearm Discharge Investigations shall also include in-person video or audio tape-recorded interviews of all complainants, witnesses, and involved DPD officers and prohibit group interviews. In cases where complainants/witnesses refuse in-person video or audio tape recorded interviews, written statements shall be taken and signed by the complainant/witness along with a signed refusal statement by the complainant/witness.

#### **STATUS: IN PARTIAL COMPLIANCE WITH U-29A AND U-29B; EFFORTS TOWARDS COMPLIANCE WITH U-29C.**

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009.

The subparagraph findings are as follows:

U-29a . The AT determined that the DPD is overall partially compliant with the requirement to provide timely statements regarding the incident. The AOMHC portion of the audit report had a 100% (5/5) compliance rate, the PI portion of the audit report had a 100% (3/3) compliance rate, and the UoF portion of the audit report had a 76% (10/13) compliance rate. Overall, the compliance rate is 86% (18/21) or at partial compliance.

U-29b . The AT determined that the DPD is non-compliant with the requirement of conducting interviews at sites and times convenient for the complainants and witnesses. Overall, the compliance rate is 89% (16/18) or at partial compliance.

U-29c . The AT determined that the DPD is compliant with the requirement of prohibiting group interviews. However, the AT determined in the AOMHC portion of the audit report that the DPD was non-compliant with the remainder of subparagraph U-29c, which comprised the majority of the population inclusive to those requirements.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

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### **Paragraph U-30**

### **Incident Documentation, Investigation, and Review**

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The DPD and the City procedures for all investigatory interviews shall prohibit:

- a. the use of leading questions that improperly suggest legal justifications for the officer's(s) actions when such questions are contrary to appropriate law enforcement techniques; and
- b. the use of interviews via written questions when it is contrary to appropriate law enforcement techniques.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH U-30B; EFFORTS TOWARDS COMPLIANCE WITH U-30A.**

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009.

U-30a . The AT determined that the DPD is in compliance with regard to the AOMHC portion of the audit report, due to the investigative entities (OCI, IA) having the abilities to capture the actual interviews on audio or video for assessment. The

UOFHC and PI portions of the audit report were at 13% compliance rate, collectively.

U-30b . The AT determined that the DPD is in compliance with the requirements of this subparagraph.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

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<b>Paragraph U-31</b>	<b>Incident Documentation, Investigation, and Review</b>
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The DPD and the City shall develop a protocol for when statements should (and should not) be compelled pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967).

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD developed Training Directive 04-4, Garrity Protocol, which was effectively disseminated as reported by the Monitor in her quarterly report ending February 28, 2006. Training on the protocol was provided to the OCI on the Garrity Protocol on December 13, 2005; Internal Affairs on April 4, 2006; and the Senior Management Team on August 14, 2006.

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009.

The AT determined that the DPD is in compliance with the requirements of Paragraph U-31.

In addition, the DPD was found compliant with the requirements of this paragraph in the Monitor's reports for the quarters ending May 31, 2007, November 30, 2007, and May 31, 2008. However, for the quarter ending November 30, 2008, the Monitor found the DPD had a 77% compliance rate with this requirement.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

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<b>Paragraph U-32</b>	<b>Incident Documentation, Investigation, and Review</b>
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The DPD shall revise its policies regarding all investigatory reports and evaluations

to require:

- a. a precise description of the facts and circumstances of the incident, including a detailed account of the subject's(s) or complainant's(s) and officer's(s) actions and an evaluation of the initial stop or seizure;
- b. a review of all relevant evidence, including circumstantial, direct and physical evidence;
- c. that the fact that a subject or complainant pled guilty or was found guilty of an offense shall not be considered as evidence of whether a DPD officer engaged in misconduct, nor shall it justify discontinuing the investigation;
- d. reasonable credibility determinations, with no automatic preference given to an officer's statement over a non-officer's statement or discounting of a witness's statement merely because the witness has some connection to the subject or complainant;
- e. an evaluation of whether an officer complied with DPD policy;
- f. an evaluation of all uses of force, including the officer's tactics, and any allegations or evidence of misconduct uncovered during the course of the investigation;
- g. all administrative investigations to be evaluated based on a preponderance of the evidence standard;
- h. written documentation of the basis for extending the deadline of a report and evaluation and provide that the circumstances justifying an extension do not include an investigator's vacation or furlough and that problems with investigator vacations or workload should result in the matter being reassigned; and
- i. any recommended non-disciplinary corrective action or disciplinary action be documented in writing.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH U-32A, D, G, AND I; EFFORTS MADE TOWARDS COMPLIANCE FOR U-32B, C, E, F AND H.**

The DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The AT determined the DPD to be compliant with the requirements with subparagraphs U-32a, d, g and i. Additionally, the AT determined that subparagraph U-32c was non-applicable to all 21 investigations of the population.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

**Paragraph U-33****Incident Documentation, Investigation, and Review**

The DPD shall revise its policies regarding the review of all investigations to require:

- a. investigations to be reviewed by the chain of command above the investigator;
- b. the reviewing supervisors to identify any deficiencies in those investigations and require the investigator to correct any deficiencies within seven days of the submission of the report and evaluation to the reviewing supervisor;
- c. the reviewing supervisors to recommend and the final reviewing authority to refer any incident with training, policy or procedural implications to the appropriate DPD unit;
- d. appropriate non-disciplinary corrective action and/or disciplinary action when an investigator fails to conduct or reviewing supervisor fails to evaluate an investigation appropriately; and
- e. a written explanation by any supervisor, including the Chief of Police, who disagrees with a finding or departs from a recommended non-disciplinary corrective action or disciplinary action, including the basis for the departure.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND U-33A; EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated the Directives 102.4, *Code of Conduct*; 304.2, *Use of Force*; and Training Directive 04-7, *Use of Force/Detainee Injuries or Allegations of Injuries Reporting and Investigating*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraphs U-32 and U-33

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The AT determined the DPD compliant with the requirements of subparagraph U-33a, and non-compliant with subparagraph U-33b. Additionally, the AT determined that remaining subparagraphs, U-33c through e, were non-applicable to all 21 investigations of the population.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for this paragraph is evaluated under Paragraph U-118 and U-121.

**Paragraph U-34****Incident Documentation, Investigation, and Review**

The DPD shall revise its reporting policies to require officers to document on a single



auditable form any prisoner injury, use of force, allegation of use of force, and instance in which an officer draws a firearm and acquires a target.

## **STATUS: IN PARTIAL COMPLIANCE**

The Use of Force/Detainee Injury Report (UF-002) and the Use of Force/Detainee Injury Supervisory Investigation Report (UF-002A), were developed by the DPD to address the reporting requirements of these paragraphs. The auditable form (UF-002A) was posted to the DPD's Intranet on November 8, 2005. On December 5, 2005, a department teletype, #05-05669, informing department members of the implementation of the UF-002A.<sup>41</sup> As of August 11, 2008, the UF-002 and UF-002A auditable forms are currently being completed within MAS.

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The AT determined the DPD non-compliant with the requirements of Paragraph U-34. The AOMHC portion of the audit report was the defining factor for non-compliance, with a 0% compliance rate. The UF and PI portions, collectively, were at 94%, and an overall compliance rate of 83% or partial compliance was achieved.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

On August 4, 2008, the DPD commenced annual in-service use of force training to its members. The training requirement for this paragraph is evaluated under Paragraph U-112 and U-121.

Additionally, the DPD issued a weekly roll call training (teletype #09-0481) on February 13, 2009, defining the procedure for taking allegations of force complaints. This procedure mandates that all allegations of force are captured on a UF-002 auditable form and also on a CCR. The subsequent investigation shall be handled by either FI or OCI, the command on no occasion shall conduct the investigation.

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### **Paragraph U-35**

### **Incident Documentation, Investigation, and Review**

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The DPD shall revise its policies regarding use of force and prisoner injury notifications to require:

- a. officers to notify their supervisors following any use of force or prisoner injury;
- b. that upon such notice, a supervisor shall respond to the scene of all uses of

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<sup>41</sup> The DPD Use of Force Report (UF-002) has been posted and available on the DPD's Intranet since November 19, 2003. The form is now contained in the Management Awareness System (MAS).

force that involve a firearm discharge, a visible injury or a complaint of injury. A supervisor shall respond to all other uses of force on a priority basis. Upon arrival at the scene, the supervisor shall interview the subject(s), examine the subject(s) for injury, and ensure that the subject(s) receive needed medical attention;

- c. the supervisor responding to the scene to notify IAD of all serious uses of force, uses of force that result in visible injury, uses of force that a reasonable officer should have known were likely to result in injury, uses of force where there is prisoner injury; and
- d. IAD to respond to the scene of, and investigate, all incidents where a prisoner dies, suffers serious bodily injury or requires hospital admission, or involves a serious use of force, and to permit IAD to delegate all other use of force or prisoner injury investigations to the supervisor for a command investigation.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND U-35D; IN PARTIAL COMPLIANCE WITH U-35A-C**

Due to the association between Paragraphs U-35 and U-36, the status of this paragraph is reported jointly under Paragraph U-36.

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#### **Paragraph U-36**

#### **Incident Documentation, Investigation, and Review**

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The DPD shall revise its use of force and prisoner injury investigation policies to require:

- a. command use of force preliminary investigations to be completed within 10 days of the incident. These investigations shall include a synopsis of the incident, photographs of any injuries, witness statements, a canvas of the area, a profile of the officer's prior uses of force and allegations of misconduct, and a first-line supervisory evaluation. The final command use of force investigation shall be completed within 30 days of the incident;
- b. IAD investigations to be completed within 60 days of the incident; and
- c. copies of all reports and command investigations to be sent to IAD within 7 days of completion of the investigation.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND U-35D; EFFORTS MADE TOWARD COMPLIANCE WITH U-36**

The requirements of Paragraphs U-35 and U-36, are addressed in Directive 304.2, *Use of Force* and Training Directive 04-7, *Use of Force/Detainee Injuries or Allegations of Injuries Reporting and Investigating*, which have been effectively disseminated.

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The

AT determined the DPD in partial compliance with the overall requirements of Paragraph U-35 and non-compliant with Paragraph U-36. Additionally, the AT did determine the DPD to be compliant in regards with subparagraph U-35d.

On February 2, 2009, the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

The training requirement for these paragraphs are evaluated under Paragraph U-112 and U-121.

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#### **Paragraph U-37**

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#### **Incident Documentation, Investigation, and Review**

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The DPD has created a Shooting Team, composed of officers from the Homicide Section and IAD. The Shooting Team shall respond to the scene and investigate all critical firearms discharges and in-custody deaths.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD created the Joint Investigation Shooting Team (JIST), which is composed of members assigned to Homicide and Force Investigation. The JIST responds to the scene and investigates all critical firearm discharges and in-custody deaths. The procedural requirements for the investigation of critical firearm discharges are contained in Training Directive 04-7, *Use of Force/Detainee Injuries or Allegations of Injuries Reporting and Investigating*, and the *JIST Standard Operating Procedure (SOP)*, which was approved by the Monitor.

The Monitor in her reports for the quarters ending May 31, 2007, November 30, 2007 and November 30, 2008, found the DPD in compliance with the requirement of this paragraph.

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#### **Paragraph U-38**

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#### **Incident Documentation, Investigation, and Review**

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The DPD shall develop a protocol for conducting investigations of critical firearm discharges that, in addition to the requirements of paragraphs 27-36, requires:

- a. the investigation to account for all shots fired, all shell casings, and the locations of all officers at the time the officer discharged the firearm;
- b. the investigator to conduct and preserve in the investigative file all appropriate ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests; and
- c. the investigation to be completed within 30 days of the incident. If a Garrity statement is necessary, then that portion of the investigation may be deferred until 30 days from the declination or conclusion of the criminal prosecution.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

As described under Paragraph U-37, the JIST responds to the scene and investigates, consistent with the JIST SOP, all critical firearm discharges and in-custody deaths. The JIST continues to conduct the investigations of all critical firearm discharges in accordance with this paragraph.

In regards to the audit requirements for determining compliance, the DPD conducted the *Prisoner Injury in Holding Cells, Use of Force in Holding Cells and AOMHC Audit Report*, which was submitted to the Monitor on January 31, 2009. The AT did not evaluate the requirements of Paragraph U-38 due to the assessed population did not include any critical firearm discharges or in-custody deaths investigations.

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**Paragraph U-39**

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**Incident Documentation, Investigation, and Review**

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The DPD shall require a command level force review team to evaluate all critical firearm discharges and in-custody deaths. The team shall be chaired by the Deputy Chief who directly supervises IAD. The DPD shall establish criteria for selecting the other members of the team.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-39 and U-40, the status of these paragraphs is reported jointly under Paragraph U-40.

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**Paragraph U-40**

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**Incident Documentation, Investigation, and Review**

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The DPD policy that defines the command level force review team's role shall require the team to:

- a. complete its review of critical firearm discharges that result in injury and in-custody deaths within 90 days of the resolution of any criminal review and/or proceedings and all other critical firearm discharges within 60 days and require the Chief of Police to complete his or her review of the team's report within 14 days;
- b. comply with the revised review of investigations policies and procedures;
- c. interview the principal investigators; and
- d. prepare a report to the Chief of Police in compliance with the revised investigatory report and evaluation protocol.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

During this review quarter quarter the DPD developed and implemented a Command Level Force Review Team, which was made effective under Special Order, #09-13, issued by the Chief of Police on March 2, 2009. This special order identifies the members, procedures and responsibilities of the team.

To date, the Team has held review meetings on March 23, April 2, April 13 and April 20, 2009. A total of 14 CFD cases were reviewed by the CLFRT. In its initial meetings the Team conducted reviews of investigations closed in the year 2009. Once those reviews were concluded, the Team conducted reviews of investigations that had not yet been closed.

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**Paragraph U-41**

**Incident Documentation, Investigation, and Review**

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The Chair of the command level force review team shall annually review critical firearm discharges and in-custody deaths in aggregate to detect patterns and/or problems and report his or her findings and recommendations, including additional investigative protocols and standards for all critical firearm discharge and in-custody death investigations, to the Chief of Police.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

On April 28, 2008, the DPD provided the Monitor and the DOJ with a copy of the 2006 annual report that reviewed critical firearm discharges that resulted in injury and in-custody deaths. On August 8, 2008, the DPD provided the 2007 annual report. Subsequently, the Monitor in her report for the quarter ending November 30, 2008, found the DPD compliant with the requirements of this paragraph. The 2008 annual report was submitted on May 29, 2009.

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**Paragraph U-42**

**Arrest and Detention Policies and Practices**

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The DPD shall revise its arrest policies to define arrest and probable cause as those terms are defined in this Agreement and prohibit the arrest of an individual with less than probable cause.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

According to the Monitor's report for the quarter ending May 31, 2006, the Monitor determined that this is a %policy only+ paragraph and that implementation would be assessed separately under Paragraph U-43. The policy that contains the provisions of this paragraph, Directive 202.1, *Arrests*, which has been effectively disseminated, has not been revised since the quarter ending May 31, 2006.

**Paragraph U-43****Arrest and Detention Policies and Practices**

The DPD shall review all arrests for probable cause at the time the arrestee is presented at the precinct or specialized unit. This review shall be memorialized in writing within 12 hours of the arrest. For any arrest unsupported by probable cause or in which an arraignment warrant was not sought, the DPD shall document the circumstances of the arrest and/or the reasons the arraignment warrant was not sought on an auditable form within 12 hours of the event.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The requirements of this paragraph are addressed in Directive 202.1, *Arrests* and Auditable Forms UF-001, *Review of Arrest Exception*; and UF-004, *Warrant Tracking*, which were approved by the Monitor on March 24, 2005. UF-001 and UF-004 forms and guidelines were made accessible on the DPD's Intranet on April 7, 2005. Directive, 202.1, *Arrests*, and Training Directive 05-07, *Probable Cause*, were determined to be effectively disseminated. The CLOs have, subsequently, trained their respective commands on UF-001 and UF-004 guidelines.

The DPD requires that supervisory reviews of arrests for probable cause within 12 hours of presentation of the arrest are to be memorialized through the supervisor verifying the Crisnet Report. Any arrests unsupported by probable cause are to be documented on the auditable form, Review of Arrest (UF-001). Also, the DPD's investigative and specialized units are required to prepare the auditable form, Warrant Tracking (UF-004), when a warrant has not been sought within 12 hours of the defining event.

In regards to the audit requirements for determining compliance, the DPD conducted the *Arrest Audit Report*, which was submitted to the Monitor on February 16, 2009. Overall, the AT determined that the DPD is in non-compliance with the requirements of Paragraph U-43 in this report. However, the DPD was compliant with the articulation of probable cause in the narrative of the Crisnet reports for the population assessed.

On February 18, 2009, the *Arrest Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

Most recently, the DPD in a response to a Monitor's document request<sup>42</sup> reviewed a random sample of 72 arrest from the dates of March 10, 2009 through 18, 2009, for compliance to the requirements of Paragraph U-43. In their assessment, the OCR found the DPD compliant with the paragraph. The supporting documentation was forwarded to the Monitor's Team for an assessment and determination for compliance.

<sup>42</sup> Monitor's Document Request #203-item 1, received by the DPD on March 30, 2009.

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**Paragraph U-44**

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**Arrest and Detention Policies and Practices**

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The DPD shall revise its investigatory stop and frisk policies to define investigatory stop and reasonable suspicion as those terms are defined in this Agreement. The policy shall specify that a frisk is authorized only when the officer has reasonable suspicion to fear for his or her safety and that the scope of the frisk must be narrowly tailored to those specific reasons.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

According to the Monitor's report for the quarter ending May 31, 2005, the Monitor determined that this is a policy only paragraph and that implementation would be assessed separately under Paragraph U-45. The policies that contain the provisions of this paragraph, Directive 203.9, *Custodial Questioning*; Directive 202.2, *Search and Seizure*; and, Directive 404.1, *Definitions*, which have been effectively disseminated, have not been revised since the quarter ending May 31, 2005.

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**Paragraph U-45**

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**Arrest and Detention Policies and Practices**

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The DPD shall require written documentation of all investigatory stops and frisks by the end of the shift in which the police action occurred. The DPD shall review all investigatory stops and frisks and document on an auditable form those unsupported by reasonable suspicion within 24 hours of receiving the officer's report.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The policy requirements of this paragraph are addressed in Directive 203.9, *Custodial Questioning*; Directive 202.2, *Search and Seizure*; and, Directive 404.1, *Definitions*. In the Monitor's quarterly report for the period of May 31, 2005, the directives were determined to have been effectively disseminated. Auditable Form UF-003, *Investigatory Stop and Frisk Exception*, addresses the provisions of Paragraph U-45. This auditable form was approved by the Monitor on March 24, 2005, and was posted to the DPD's Intranet on April 7, 2005, with guidelines detailing use of the form. The DPD CLOs have conducted training at their respective commands on the auditable form and guidelines.

Roll Call Training subject (#07-4585), delivered on the dates of October 6, 2007, through October 12, 2007, Roll Call Training subject (#08-2134), delivered on the dates of April 11, 2008, through April 18, 2008, and Roll Call Training subject (#08-3794), delivered on the dates of August 9, 2008, through August 15, 2008, Roll Call Training subject (#08-4786), delivered on the dates October 25, 2008 through October 31, 2008, and Roll Call Training subject (#09-0667), delivered on the dates February 28, 2009 through March 6, 2009, all referenced the stop and frisk policy

requirements and the requisite activity log boxes. On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph.

The DPD revised the Daily Activity Log (DPD 250) to include ~~%stop+~~ and ~~%risk+~~ check boxes adjacent to the narrative portion of each entry. This assists the supervisor during his/her review of the activity log to identify stops or stops and frisks performed during a member's tour of duty. In addition, the activity log now requires entries for the date, time and printed name of the reviewing supervisor. The DPD implemented the revised activity log department wide on November 5, 2007.

In regards to the audit requirements associated with this paragraph, the DPD submitted the *Stop and Frisk Audit Report* on August 31, 2008. The AT determined that the DPD is in non-compliance with the requirements of Paragraph U-45 in this report.

The annual *Stop and Frisk Audit Report* is scheduled to be submitted on August 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph U-114.

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#### **Paragraph U-46**

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#### **Arrest and Detention Policies and Practices**

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The DPD shall revise its witness identification and questioning policies to comply with the revised arrest and investigatory stop policies. The DPD shall prohibit the seizure of an individual without reasonable suspicion, probable cause or consent of the individual and require that the scope and duration of any seizure be narrowly tailored to the reasons supporting the police action. The DPD shall prohibit the conveyance of any individual to another location without reasonable suspicion, probable cause or consent of the individual.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs U-46 and U-47, the status of these paragraphs is reported jointly under Paragraph U-47.

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#### **Paragraph U-47**

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#### **Arrest and Detention Policies and Practices**

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The DPD shall develop the revised witness identification and questioning policies within three months of the effective date of this Agreement. The revised policies shall be submitted for review and approval of the DOJ. The DPD shall implement the revised witness identification and questioning policies within three months of the review and approval of the DOJ.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**



According to the Monitor's report for the quarter ending May 31, 2006, the Monitor determined that these are policy only paragraphs and that implementation would be assessed separately under Paragraph U-48. The policies that contain the provisions of this paragraph, Directive 203.9, *Custodial Questioning*; Directive 202.2, *Search and Seizure*; and, Directive 404.1, *Definitions*, which have been effectively disseminated, have not been revised since the quarter ending May 31, 2006.

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## Paragraph U-48

## Arrest and Detention Policies and Practices

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The DPD shall document the content and circumstances of all interviews, interrogations and conveyances during the shift in which the police action occurred. The DPD shall review in writing all interviews, interrogations and conveyances and document on an auditable form those in violation of DPD policy within 12 hours of the interview, interrogation or conveyance.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

Directive 203.9, *Custodial Questioning* and Directive 203.1, *Crime Scene Investigation*, which address the policy requirements of Paragraph U-48 have been effectively disseminated. The *Exceptions to Interview, Interrogation, and Conveyances* Auditable Form UF-005 and guidelines were posted to the DPD Intranet on April 7, 2005. The CLOs were trained and the guidelines have been distributed to supervisory personnel at their respective commands.

On June 13, 2006, the DPD implemented the newly developed *Witness Conveyance Consent Form* (DPD 668). This form is to be utilized anytime a witness, with their consent, is conveyed from a location to any DPD facility for the sole purpose of interviewing the witness relative to the investigation of a crime. Based on issues identified in the most recent *Witness, Identification and Conveyance Audit Report* and feedback from DPD members, this form was revised and reissued on May 23, 2009.

On January 29, 2009, the DPD disseminated and posted on the Intranet the revised *Statement Form* (DPD 103), this form is utilized by investigative personnel to document all interviews and interrogations. This revision includes a segment for a supervisory review that will document the name, date and time of the review in order to gain compliance with the 12 hour mandate of this paragraph.

In regards to the audit requirements associated with this paragraph, the DPD conducted the *Witness, Identification and Conveyance Audit Report* on August 31, 2008. The AT determined that the DPD is in non-compliance with the requirements of Paragraph U-48 in this report. The DPD submitted the *Arrest Audit Report* to the Monitor on February 16, 2009.

On February 18, 2009, the *Arrest Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

On August 4, 2008, the DPD commenced annual in-service witness, identification and conveyance training to its members, which is inclusive to both the *Legal Update and Use of Force Lesson Plans*. The training requirement for this paragraph is evaluated under Paragraph U-114.

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#### **Paragraph U-49**

#### **Arrest and Detention Policies and Practices**

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The DPD shall revise its policies to require prompt judicial review, as defined in this Agreement, for every person arrested by the DPD. The DPD shall develop a timely and systematic process for all arrestees to be presented for prompt judicial review or to be released.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directive 202.1, *Arrests*, as reported by the Monitor in her quarterly report ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-49.

The Monitor found the DPD in compliance with this paragraph in her report for the quarter Ending February 28, 2007, and in partial compliance in her report for the quarters ending August 31, 2007 and August 31, 2008. During the quarter ending February 29, 2008, the Monitor reported a disparity in what arrests are subjected to prompt judicial review. In her report for the quarter ending May 31, 2008, the Monitor memorialized that prompt judicial review, as required by this paragraph, applies to only warrantless arrests.

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009. The audit report determined that the DPD was not in compliance with the requirements of U-49.

On February 28, 2009, the *Custodial Detention Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-114.

**Paragraph U-50****Arrest and Detention Policies and Practices**

The DPD shall require that, for each arrestee, a warrant request for arraignment on the charges underlying the arrest is submitted to the prosecutor's office within 48 hours of the arrest.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-50 and U-51, the status of this paragraph is reported jointly under Paragraph U-51.

**Paragraph U-51****Arrest and Detention Policies and Practices**

The DPD shall document on an auditable form all instances in which the request for an arraignment warrant is submitted more than 48 hours after the arrest. The DPD shall also document on an auditable form all instances in which it is not in compliance with the prompt judicial review policy and in which extraordinary circumstances delayed the arraignment. The documentation shall occur by the end of the shift in which there was:

- 1) a failure to request an arraignment warrant within 48 hours,
- 2) a failure to comply with the prompt judicial review policy, or
- 3) an arraignment delayed because of extraordinary circumstances.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The overall requirements of prompt judicial review, including the mandates set forth under Paragraph U-50, are also specifically inclusive to Paragraph U-58. The DPD has implemented compliance measures memorialized in this report under Paragraph U-58 that pertain to achieving compliance with this paragraph as well. In addition, the OCR continues to communicate with the CLOs of the various commands to ensure that there is a clear understanding of the requirements of Paragraph U-51.

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009. The audit report determined that the DPD was non-compliant with the requirements of U-50 and 51. However, the Monitor in her report for the quarter ending August 31, 2008, found the DPD in compliance with the requirement of Paragraph U-51. This determination was based upon a review of 87 arrests by the Monitor during the quarter ending May 31, 2008.<sup>43</sup>

On February 28, 2009, the *Custodial Detention Audit Report* was forwarded

<sup>43</sup> Monitor's Document Request #175-item 1.

to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

Additionally, on April 15, 2009, U.S. District Judge Julian Abele Cook Jr. amended this paragraph of the CJ to allow a warrant request for arraignment on the charges underlying the arrest to be submitted to the prosecutor's office within 48 hours, superceding the initial 24 hours mandate (Paragraph U-50).

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-114.

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#### **Paragraph U-52**

#### **Arrest and Detention Policies and Practices**

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The DPD shall revise its hold policies to define a hold as that term is defined in this Agreement and require that all holds be documented. The policy shall establish a timely and systematic process for persons in DPD custody who have holds issued by a City of Detroit court to have those holds cleared by presenting the arrestee to the court from which the warrant was issued or the setting and posting of bond where applicable. The fact that an arrestee has not been arraigned or charged on the current arrest shall not delay this process.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

According to the Monitor's report for the quarter ending February 28, 2006, the Monitor determined that this is a ~~policy only~~ paragraph and that implementation would be assessed separately under Paragraph U-53. The policy that contains the provisions of this paragraph, Directive 305.2, *Detainee Registration*, which has been effectively disseminated, has not been revised since the quarter ending February 28, 2006.

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#### **Paragraph U-53**

#### **Arrest and Detention Policies and Practices**

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The DPD shall document all holds, including the time each hold was identified and the time each hold was cleared. The DPD shall document on an auditable form each instance in which a hold is not processed within 48 hours on a daily basis. The documentation shall occur within 24 hours of each instance a hold not being cleared.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The overall requirements of prompt judicial review, including the mandates set forth under Paragraph U-53, are also specifically inclusive to Paragraph U-58. The DPD has implemented certain compliance measures memorialized in this report

under Paragraph U-58 that pertain to achieving compliance with this paragraph as well.

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009. The audit report determined that the DPD was non-compliant with the requirements of U-53.

On February 28, 2009, the *Custodial Detention Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

Additionally, on April 15, 2009, U.S. District Judge Julian Abele Cook Jr. amended this paragraph of the CJ to allow all holds to be cleared within 48 hours, instead of the initial 24 hours mandate. This has positive implications in the DPD attaining compliance with the requirements of the paragraph, due to the fact that the clearing of holds will only become a factor if the arraignment is delayed past 48 hours.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-115. Additionally, the documentation required under Paragraph U-53 is incorporated into the *Detention Officer Lesson Plan*.

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#### **Paragraph U-54**

#### **Arrest and Detention Policies and Practices**

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The DPD shall develop a policy regarding restricting detainee's access to telephone calls and visitors that permits individuals in DPD custody access to attorneys and reasonable access to telephone calls and visitors.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

According to the Monitor's report for the quarter ending February 28, 2006, the Monitor determined that this is a policy only paragraph and that implementation would be assessed separately under Paragraph U-55. The policy that contains the provisions of this paragraph, Directive 305.4, *Holding Cell Areas*, which has been effectively disseminated, has not been revised since the quarter ending February 28, 2006.

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#### **Paragraph U-55**

#### **Arrest and Detention Policies and Practices**

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The DPD shall require that such restrictions be documented and reviewed at the time the restriction is issued and reevaluated each day in which the restriction remains in effect. The DPD shall document on an auditable form any violation of the restriction policy by the end of the shift in which the violation occurred.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009. The audit report determined that the DPD was non-compliant with the requirements of U-55.

On February 28, 2009, the *Custodial Detention Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

Commencing March 28, 2009, the DPD revised and combined the *Privilege Restriction Log* (DPD 700), which initiates the placing of a restriction for a period of 24 hours, and the *Detainee Telephone and/or Visitor Restriction Form* (UF-008), which captures the violation of the restriction not being lifted within 24 hours, into one conjoined form within MAS. This information along with the procedural guidelines were issued in two Roll Call Training forums, the first being March 28, 2009 through April 3, 2009 (teletype #09-1038) and the second being May 16, 2009 through May 22, 2009 (teletype #09-1766).

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. Additionally, the documentation required under Paragraph U-55 is incorporated into the *Detention Officer Lesson Plan*.

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**Paragraph U-56**

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**Arrest and Detention Policies and Practices**

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The DPD shall revise its material witness policies to define material witness as that term is defined in this Agreement and remove the term ~~police witness~~ from DPD policies and procedures.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

According to the Monitor's report for the quarter ending February 28, 2006, the Monitor determined that this is a ~~policy only~~ paragraph and that implementation would be assessed separately under Paragraph U-56. The policy that contains the provisions of this paragraph, Directive 202.1, *Arrests*, and Training Directive 04-1, *Confinement of Material Witnesses*, which have effectively disseminated, have not been revised since the quarter ending February 28, 2006.

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**Paragraph U-57**

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**Arrest and Detention Policies and Practices**

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The DPD shall obtain a court order prior to taking a material witness into DPD custody. The DPD shall document on an auditable form the detention of each

material witness and attach a copy of the court order authorizing the detention.

## **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD continues to successfully utilize the *Detention of Material Witness Auditable Form* (UF-006) which documents all detainees held as a material witness. A court order must be attached to the auditable form. The Monitor found the DPD in compliance with this paragraph in her reports for the quarters ending August 31, 2007 and February 29, 2008, based upon a review of the supporting documentation for all the identified detained material witnesses for a given period.

During the previous reporting quarter, the DPD conducted the *Witness, Identification and Questioning Audit Report*, dated August 31, 2008, and a response to a document request that basically covered almost the same population period. Due to a discrepancy in the number of material witnesses identified in the audit as compared to the document request, the Monitor found the DPD in non-compliance with the requirement of Paragraph U-57.

In response to the aforementioned discrepancy, the OCR devised a systematic process to identify all future material witnesses. This includes the notification to the OCR from the DPD member who obtains the material witness court order, normally the OIC of the relative criminal case. OCR personnel shall enter the information into a logbook and is to be notified whenever a material witness is placed in DPD custody. This information was disseminated through Roll Call Training (#08-4869), which was delivered on the dates of November 1, 2008, through November 7, 2008. In addition, OCR shall request information from the Wayne County Prosecutor's Office on a monthly basis regarding any material witness court orders issued.

During the previous review quarter, the DPD furnished all auditable forms and court orders for material witnesses for the period June 1, 2008 through November 30, 2008, to the Monitor for compliance determination.<sup>44</sup> A review of these documents by the OCR revealed that the DPD was in compliance with this paragraph. Subsequently, the Monitor in her report for the quarter ending February 28, 2009, found the DPD compliant with the requirements of this paragraph.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. Additionally, the documentation required under Paragraph U-57 is incorporated into the *Detention Officer Lesson Plan*.

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<sup>44</sup> Monitor's Document Request #198-item 3.

**Paragraph U-58****Arrest and Detention Policies and Practices**

The DPD shall revise its arrest and detention documentation to require, for all arrests, a record or file to contain accurate and auditable documentation of:

- a. the individual's personal information;
- b. the crime(s) charged;
- c. the time and date of arrest and release;
- d. the time and date the arraignment warrant was submitted;
- e. the name and badge number of the officer who submitted the arraignment warrant;
- f. the time and date of arraignment;
- g. the time and date each warrant was lodged and cleared, if applicable; and
- h. the individual's custodial status, e.g., new arrest, material witness or extradition.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Initially, the DPD made a decision to incorporate the requirements of this paragraph into the CRISNET system. However, subsequent to that decision, it was decided to incorporate this paragraph into the *LiveScan* system that is currently being utilized by the DPD. On April 25, 2006, the Monitor attended a demonstration of the DPD's *LiveScan* system. On April 27, 2006, the DPD's *LiveScan Protocol* was submitted to the Monitor. The Monitor has found the *LiveScan Protocol* to be adequate in her report for the quarter ending February 28, 2007.<sup>45</sup>

In order to begin the timely and systematic process, which ensures that accurate and auditable documentation is captured, the DPD developed and implemented the DIS, on December 12, 2006. The DIS captures the accurate and auditable information to be transferred into *LiveScan*, and also identifies when the appropriate auditable forms are triggered. During this reporting quarter, the DIS has undergone revision, to include the documentation of probable cause review and distinguishing an initial arrest from an arrest with an existing warrant. This information was disseminated through Roll Call training (Teletype #08-4571), which was delivered on the dates of October 11, 2008, through October 17, 2008, and reflashed in teletype #08-4931 on November 4, 2008. The DIS is maintained in the Detainee File Folder.

The DIS captures detailed information regarding:

- Incident of arrest
- Detainee personal information
- UF-001 (Review of Arrest)
- UF-006 (Detention of Material Witness)

<sup>45</sup> The approval was referenced to Paragraph U-49 in this report based upon the timely and systematic process, which is also the basis for Paragraph U-58.



- UF-007 (Hold(s) Exception)
- UF-008 (Detainee Telephone and/or Visitation Restriction Exceptions)
- DPD 700 (Privilege Restriction Log)
- Probable Cause Review
- Initial and/or Final Charges
- All warrant and/or hold information including the date and time any hold was identified and cleared
- Detainee care and transportation
- Detainee identification number
- Date and time of release
- A checkbox ascertaining the date and time the *Live Scan* updates are being performed by the responsible member as delineated by the DIS guidelines.

The DPD implemented the *Warrant Verification Log* (DPD 711), on December 12, 2006. This log is completed by the DPD member submitting warrants to the Wayne County Prosecutor's Office. The log captures the date and time (stamped) the actual warrant was submitted at the Wayne County Prosecutor's Office, and if/when the warrant was obtained (stamped). This process will allow for the identification of an exception to the 24-hour rule, and triggers the completion of the required *Warrant Tracking Auditable Form* (UF-004). Information obtained on the log is to be transferred into the *LiveScan* system by the officer in charge of the case, in real or near time as the prompt judicial review sequence is transpiring.<sup>46</sup> To that end, each Investigative Operations (IO) entity, the 36<sup>th</sup> District Court, DRH Detail, and the Wayne County Prosecutor's Office would need to be furnished with a *LiveScan* system.

Additionally, the DPD developed and implemented the *Arraignment Sheet* (DPD 711a) on October 1, 2006. This sheet is completed by Court Liaison personnel at the time of arraignment. The sheet captures the arrest date and time, in addition to the time of arraignment, in order to determine if there is an exception to the 48 hour arraignment mandate. If an exception has occurred, the Court Liaison member will fax the Arraignment Sheet to the OIC responsible for attaining the warrant and completing the respective auditable form UF-004, *Warrant Tracking Auditable Form*. Court Liaison personnel archives and submits, on a weekly basis to the OCR AT, all completed *Arraignment Sheets*. These two forms are contained within MAS, which was implemented on August 11, 2008.

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009. The audit report determined that the DPD was non-compliant with the requirements of U-58.

On February 28, 2009, the *Custodial Detention Audit Report* was forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their employees.

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<sup>46</sup> The transfer of this information is not yet occurring pending further evaluation of the *LiveScan* system.

The documentation and the systematic process required under Paragraph U-58 is incorporated into the *Detention Officer Lesson Plan*.

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**Paragraph U-59**


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**Arrest and Detention Policies and Practices**


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The DPD shall require the commander of the precinct and, if applicable, of the specialized unit to review in writing all reported violations of DPD arrest, investigatory stop and frisk, witness identification and questioning policies and all reports of arrests in which an arraignment warrant was not sought. The commander's review shall be completed within 7 days of receiving the document reporting the event. The commander's review shall include an evaluation of the actions taken to correct the violation and whether any corrective or non-disciplinary action was taken.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-59 and U-60, the status of this paragraph is reported jointly under Paragraph U-60.

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**Paragraph U-60**


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**Arrest and Detention Policies and Practices**


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The DPD shall require the commander of the precinct and, if applicable, of the specialized unit to review in writing all violations of DPD prompt judicial review, holds, restrictions and material witness policies on a daily basis. The commander's review shall include an evaluation of the actions taken to correct the violation and whether any corrective or non-disciplinary action was taken.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directives 202.1, *Arrests*, 305.2 *Detainee Registration*, 305.4, *Holding Cell Areas*, Training Directive 04-1, *Confinement of Material Witnesses*, and Training Directive 05-7, *Probable Cause*, as reported by the Monitor in her quarterly report for the period ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-59 and U-60.

In regards to the audit requirements associated with Paragraph U-59 and 60, the DPD submitted the *Arrest Audit Report* on February 16, 2009, and the *Custodial Detention Audit Report* on February 28, 2009. The DPD was found to be non-compliant with the requirements of Paragraph U-59 and 60 in both of these audit reports.

On February 19, 2009, the *Arrest Audit Report* and on February 28, 2009, the

*Custodial Detention Audit Report* were forwarded to all District commanding officers, as required in Paragraph U-93, in order to address any deficiencies specific to their commands.

Most recently, the DPD in a response to a Monitor's document request<sup>47</sup> reviewed a random sample of 72 arrest from the dates of March 10, 2009 through 18, 2009, for compliance to the requirements of Paragraph U-59 (warrant not sought). In their assessment, the OCR found the DPD in partial compliance with the requirement of a commander's review for instances where a warrant was not sought. The supporting documentation was forwarded to the Monitor's Team for an assessment and determination for compliance.

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## Paragraph U-61

## External Complaints

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The DPD and City shall revise their external complaint policy to clearly delineate the roles and responsibilities of OCI and the DPD regarding the receipt, investigation and review of external complaints. At a minimum, the plan shall specify each agency's responsibility for receiving, recording, investigating and tracking complaints; each agency's responsibility for conducting community outreach and education regarding complaints; how, when and in what fashion the agencies shall exchange information, including complaint referrals and information about sustained complaints.

### STATUS: IN SUBSTANTIAL COMPLIANCE

The DPD, with the effective dissemination of Directive 102.6, *Citizen Complaints*, as reported by the Monitor in her quarterly report for the period ending February 28, 2006, has satisfactorily met the policy requirements of Paragraph U-61.

In her report for the quarter ending May 31, 2008, the Monitor assessed DPD's compliance level of Paragraph U-61 based upon the *AOMHC Audit Report* that was submitted on January 31, 2008. The AT found the DPD compliant in regards to the requirements of this paragraph. Thus, the Monitor in her quarterly report ending May 31, 2008, concurred with the AT findings and determined the DPD compliant. The following semi-annual *AOMHC Audit Report* was submitted to the Monitor on January 31, 2008. Again, the AT found the DPD compliant in regards to the requirements of this paragraph. In her reports for the quarters ending November 30, 2008 and February 28, 2009, the Monitor reports not yet having to evaluate the paragraph. The most recent *AOMHC Audit Report* was submitted on January 31, 2009. Again, the AT found the DPD compliant in regards to the requirements of this paragraph.

The annual *External Complaints and Complaint Investigations Audit Report*, which also evaluates these paragraphs was not submitted as scheduled on August

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<sup>47</sup> Monitor's Document Request #203-item 1, received by the DPD on March 30, 2009.

31, 2008.<sup>48</sup> The *External Complaints and Complaint Investigations Audit Report* is scheduled for submission on August 31, 2009.

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## Paragraph U-62

## External Complaints

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The DPD and the City shall develop and implement an informational campaign regarding external complaints, including:

- a. informing persons that they may file complaints regarding the performance of any DPD employee;
- b. distributing complaint forms, fact sheets and informational posters at City Hall, OCI, all DPD precincts, libraries, on the internet and, upon request, to community groups and community centers;
- c. broadcasting public service announcements that describe the complaint process; and
- d. posting permanently a placard describing the complaint process, with relevant phone numbers, in the lobby of each DPD precinct.

### **STATUS: IN SUBSTANTIAL COMPLIANCE**

During November, 2008, the DPD and the Community Relations Coordinator of the BOPC conducted inspections of Districts, Libraries and Neighborhood City Halls and found the DPD in compliance with the requirements of this paragraph.

During the review quarter ending November 30, 2008, the OCI had revised the public service announcement that describes the complaint process and identifies the current structure of the DPD into districts and their respective locations, which had initially commenced airing on November 5, 2007. Placards describing the complaint process, with relevant phone numbers, remain permanently posted in the lobby of each DPD District as required by subparagraphs c and d. The OCI has had revised brochures printed capturing the correct addresses of all Districts, including the new location of the Central District.

The most recent internal inspections for determining compliance with Paragraph U-62, were completed May 4 through 7, 2009 and May 11 through 15, 2009. These inspections again found that the DPD successfully continues to implement the external complaint campaign as required.

The Monitor in her reports for the quarters ending May 31, 2007, November 30, 2007 and May 31, 2008, found the DPD compliant or in partial compliance<sup>49</sup> with the requirements of subparagraphs (b)-(d). Subparagraph U-62(a) is not separately assessed and is not evaluated for compliance.

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<sup>48</sup> Due to a technological issue, data compiled relative to this audit was not able to be retrieved.

<sup>49</sup> The DPD was given partial compliance for sub-paragraph (d) in May 31, 2008, due to the placard not being posted at the new Central District facility.

**Paragraph U-63****External Complaints**

The DPD shall require all officers to carry informational brochures and contact forms in their vehicles at all times while on-duty. The DPD shall develop a contact form within 60 days of the effective date of this Agreement. The contact form shall be submitted for review and approval of the DOJ. The DPD shall implement the contact form within 60 days of the review and approval of the DOJ. The DPD shall require all officers to inform an individual of his or her right to make a complaint, if an individual objects to an officer's conduct. The DPD shall prohibit officers from discouraging any person from making a complaint or refusing to take a complaint.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

Past and current internal inspections performed by the DPD found that members are in possession of informational brochures and contact forms as required by Paragraph U-63. This was reported in the Monitor's report for the quarter ending November 30, 2006. The DPD has also incorporated the requirements of this paragraph into the *Quarterly Equipment Inspection Sheet* (DPD 709), which monitors the compliance of the requirements this paragraph.

On May 4 through 7, 2009, the OCR performed random unannounced inspections of field deployed entities. The inspection of members assigned to all five Districts and two Precincts revealed 100% compliance with the requirement of being in possession of the informational brochures and contact forms.

The Monitor in her reports for the quarters ending May 31, 2007, November 30, 2007 and May 31, 2008, found the DPD compliant with the requirements of this paragraph.

**Paragraph U-64****External Complaints**

The DPD and the City shall revise their policies regarding the intake and tracking of external complaints to define complaint and misconduct as those terms are defined in this Agreement and require all officers and OCI employees to accept and document all complaints filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs U-64, U-65, and U-66, the status of this paragraph is reported jointly under Paragraph U-66.

**Paragraph U-65****External Complaints**

The DPD and the City shall permit the intake officer or employee to include a factual account and/or description of a complainant's demeanor and physical condition but not an opinion regarding the complainant's mental competency or veracity.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs U-64, U-65, and U-66, the status of this paragraph is reported jointly under Paragraph U-66.

**Paragraph U-66****External Complaints**

The DPD and the City shall assign all complaints a unique identifier, which shall be provided to the complainant, and a description of the basis for the complaint (e.g., excessive force, discourtesy or improper search).

**STATUS: IN SUBSTANTIAL COMPLIANCE**

With the effective dissemination of Directive 102.6, *Citizen Complaints*, the DPD has satisfactorily met the policy requirements of Paragraphs U-64, U-65 and U-66. The DPD was found compliant with Paragraph U-66 in previous Monitor's reports and in the *External Complaint and Complaint Investigation Audit Report*, which was submitted to the Monitor on August 31, 2006. The DPD continues to provide the complainant with a completed copy of the Citizen Complaint Record (CCR), which contains the unique identifier, at the time the complaint is being formally registered.

In regards to the audit requirements associated with Paragraphs U-64-66, the Monitor in her report for the quarter ending May 31, 2008, assessed DPD's compliance level of Paragraph U-64-66 based upon the *AOMHC Audit Report* that was submitted on January 31, 2008. The AT found the DPD compliant in regards to the requirements of this Paragraph U-65 and non-compliant with Paragraph U-66. Thus, the Monitor in her quarterly report ending May 31, 2008, concurred with the AT findings. The following semi-annual *AOMHC Audit Report* was submitted to the Monitor on July 31, 2008. In the audit report, the AT found the DPD compliant in regards to the requirements of both Paragraphs U-65 and 66. In her report for the quarter ending November 30, 2008, the Monitor reports not yet having to evaluate the paragraph. The most recent *AOMHC Audit Report* was submitted on January 31, 2009. Again, the AT found the DPD compliant in regards to the requirements of these paragraphs. However, based upon her recent assessment of 55 OCI investigation closed during the month of September 2008,<sup>50</sup> the Monitor in her report for the quarter ending February 28, 2009, found the DPD again compliant with the requirements of these paragraphs.

<sup>50</sup> Monitor's Document Request #196-item 2, received by the DPD on November 17, 2008.

The *External Complaint and Complaint Investigation Audit Report* is scheduled for submission on July 31, 2009.

The training requirement for this paragraph is evaluated under Paragraph U-121 and 122. Additionally, on August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph.

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## **Paragraph U-67**

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## **External Complaints**

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The DPD and the City shall revise its policies regarding external complaint investigations to:

- a. provide that all complaints shall be referred for investigation and resolution by OCI or, if the complaint alleges potentially criminal conduct by an officer, by IAD;
- b. permit the informal resolution of complaints alleging only inadequate service or the complainant's innocence of a charge and require the investigation and formal resolution of all other complaints;
- c. refer all complaints to the appropriate agency within five business days of their receipt;
- d. require that the complainant shall be periodically kept informed regarding the status of the investigation;
- e. develop written criteria for IAD and OCI investigator applicants, including the applicant's complaint and disciplinary history and investigative experience;
- f. implement mandatory pre-service and in-service training for all IAD and OCI investigators, including intake, investigations, interviews and resolutions of external complaints;
- g. require IAD and OCI to complete all investigations within 90 days of receiving the complaint; and
- h. require that: (1) upon completion of the investigation by a command other than OCI, the complainant shall be notified of its outcome and, if the complaint is sustained, whether disciplinary or non-disciplinary corrective action has been recommended; and (2) upon completion of an investigation by OCI the complainant shall be notified of its outcome and, if the complaint is sustained, its referral to the Chief of Police for appropriate disciplinary or non-disciplinary corrective action.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND U-67(A,B,F AND H); EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-67, U-68 and U-69, the status of this paragraph is reported jointly under Paragraph U-69.

**Paragraph U-68****External Complaints**

The DPD and the City shall review and evaluate the external complaint review process to require:

- a. the Chief Investigator or his or her designee to complete review of OCI investigations within 7 days of completion of the supervisor's review;
- b. the BPC to complete review of OCI investigations within 45 days of completion of the Chief Investigator's review; and
- c. the Chief of Police or his or her designee to complete his or her review of external complaints within 7 days of completion of the BOPC's review.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-67, U-68 and U-69, the status of this paragraph is reported jointly under Paragraph U-69.

**Paragraph U-69****External Complaints**

In addition to the investigatory report and evaluation requirements, each allegation in an administrative external complaint investigation shall be resolved by making one of the following dispositions:

- a. ~~Un~~found, + where the investigation revealed no facts to support that the incident complained of actually occurred;
- b. ~~S~~ustained, + where a preponderance of the evidence shows that the alleged conduct did occur and the actions of the officer violated DPD policies, procedures or training;
- c. ~~No~~t Sustained, + where there are insufficient facts to decide whether the alleged misconduct occurred; and
- d. ~~Ex~~onerated, + where a preponderance of the evidence shows that the alleged conduct did occur but did not violate DPD policies, procedures or training.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD, with the effective dissemination of Directive 102.6, *Citizen Complaints*, as reported in the Monitor's quarterly report ending May 31, 2006, has satisfactorily met the requirements of Paragraphs U-67 and U-68.

To meet the timeline requirements of Paragraph U-68, the OCI has implemented a digital audio recording system that captures, stores and allows for easy accessibility of interviews of complainants. This minimizes the overall compilation of the investigation report that can hinder the efficiency of the final review process in meeting the specified timelines. The OCI has also reduced the finalized investigative case format to one page. This provides an efficient and objective view



of the complaint investigation and findings when presented to the BOPC for final determination. The addition of these two procedural methods will significantly reduce the time it takes to complete a citizen complaint investigation.

The Monitor in her report for the quarter ending May 31, 2008, assessed the DPD as compliant with regards to Paragraph U-67(b) and 69. This was based upon the *AOMHC Audit Report* submitted on January 31, 2008, and an independent review and evaluation of 15 OCI investigations completed during January 2007. The subsequent semi-annual *AOMHC Audit Report* was submitted to the Monitor on July 31, 2008. In this audit report, the AT found the DPD compliant in regards to the requirements of Paragraphs U-66 and 67, except for Subparagraph U-67(g). In her report for the quarter ending November 30, 2008, the Monitor reports not yet having to evaluate the paragraph. The most recent *AOMHC Audit Report* was submitted on January 31, 2009. The AT found the DPD non-compliant in regards to the requirements of Paragraph U-67, and U-68; Paragraph U-69 was not assessed.

However, based upon her recent assessment of 48 OCI investigation closed during the month of September 2008,<sup>51</sup> the Monitor in her report for the quarter ending February 28, 2009, found the DPD compliant with the requirements of Paragraphs U-67 (a, b, f and h) and U-69; Paragraph U-68 was determined to be not compliant.

Additionally, as stated under Paragraph U-61, the 2008 *External Complaint and Complaint Investigation Audit Report*, scheduled for submission to the Monitor on August 31, 2008, was not submitted. The *External Complaint and Complaint Investigation Audit Report* is scheduled for submission on July 31, 2009.

In regards to Paragraph U-67(f), the DPD conducted training relative to this paragraph requirement to OCI/IA/FI personnel utilizing the *OCI/IA/FI Investigatory Lesson Plan*.<sup>52</sup> Additionally, on August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph.

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## Paragraph U-70

## General Policies

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In developing and revising the policies discussed in this Agreement, the DPD shall ensure that all terms are clearly defined.

## STATUS: IN SUBSTANTIAL COMPLIANCE

The DPD, with the effective dissemination of Directive 404.1, *Definitions*, and Training Directive 05-07, *Probable Cause*, has ensured that all terms are clearly defined pursuant to Paragraph C-60.<sup>53</sup> The DPD has established the Policy Focus

<sup>51</sup> Monitor's Document Request #196-item 2, received by the DPD on November 17, 2008.

<sup>52</sup> OCI Investigators were trained on 11/6/2008 and IA/FI Investigators were trained on 11/12/2008.

<sup>53</sup> In addition, many DPD Directives contain a definitions section to create consistency and to provide direction to DPD members.

Committee, which is comprised of members of various ranks from various commands throughout the DPD. The committee is scheduled to meet on a semi-annual basis. The protocol for the committee, as submitted to the Monitor on December 4, 2006, describes that there is a schedule for entities of the DPD to conduct reviews of relevant policies. The Policy Focus Committee met on May 12, 2009, and discussed the plans for making revisions to the DPD Manual. The next meeting will convene on November 10, 2009.

Planning is responsible for ensuring that any revisions do not alter the relevant terms contained in and defined in the CJs. On November 21, 2007, the Monitor indicated that the documents submitted by the DPD relative to this paragraph are adequate for compliance with Paragraph U-70. Thus, the Monitor reported the DPD was in compliance with the requirement of this paragraph in her reports for the quarters ending November 30, 2007, May 31, 2008 and November 30, 2008.

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## **Paragraph U-71**

## **General Policies**

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The DPD shall continue to make available proposed policy revisions to the community, for their review, comment and education. Such policy revisions shall also be published on the DPD's website to allow comments to be provided directly to the DPD.

### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has had a dedicated email address since July 2004 on the City of Detroit's website that allows for citizen comments to be provided directly to the DPD. To date, no comments have been received regarding any of the DPD's policies. The DPD requires that all proposed policy revisions are posted for a period of 30 days to the City of Detroit's website. The OCI is currently operating under the Procedure for Reviewing Comments on Policies Posted to the DPD Website Protocol that was approved by the Monitor in her report for the quarter ending November 30, 2006.

Every policy that is developed or that is substantively or procedurally revised is presented to the BOPC. Meetings of the BOPC are open to the public and are often held as community forums. The DPD not only presents and explains new policies and directives, but encourages comments and input from the community. The DPD has presented directives and solicited input at Citizen Police Academies, community relations groups and at high schools in the city of Detroit as part of their civic programs or assemblies, and has conducted over 20 presentations to date, relative to CJ paragraphs to the BOPC.

The Monitor has found the DPD compliant with the requirements of Paragraph C-61 in the last five evaluations, for the quarters ending November 30, 2006, May 31, 2007, November 30, 2007, May 31, 2008 and November 30, 2008.

**Paragraph U-72****General Policies**

The DPD shall advise all officers, including supervisors, that taking police action in violation of DPD policy shall subject officers to discipline, possible criminal prosecution, and/or civil liability.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directive 102.3, *Code of Conduct*, as reported by the Monitor in her quarterly report ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-72.

A DPD weekly roll call training (#07-5219), which commenced on November 17, 2007 and ended November 23, 2007, and reflashed in weekly roll call training (#08-3354), which commenced on July 5, 2008 and ended July 11, 2008, referenced taking off-duty police action. Additionally, a DPD weekly roll call training (#09-0399), which commenced on February 7, 2009 and ended February 13, 2009, referenced the DPD's policy on *Code of Conduct: Officers' Responsibilities*.

On August 4, 2008, the DPD commenced annual in-service training relating to taking police action to its members, which is inclusive to the *Use of Force Lesson Plan*. The training requirement for this paragraph is evaluated under Paragraph U-112.

**Paragraph U-73****General Policies**

The DPD and the City shall develop a plan for ensuring regular field deployment of an adequate number of supervisors of patrol units and specialized units that deploy in the field to implement the provisions of this agreement.

**STATUS: EFFORTS TOWARD COMPLIANCE**

On October 24, 2007, the Monitor reported her approval of the DPD's proposal to revise the current plan of the officer to supervisor ratio deployed in the field from 8:1 to 10:1, which was memorialized in writing by the Monitor via electronic mail on November 6, 2007. The OCR immediately disseminated this information via electronic mail to all commanding officers of field deployed entities.

A DPD weekly roll call training (#07-5110), which commenced on November 10, 2007 and ended November 16, 2007, and reflashed in weekly roll call training (#08-2873), which commenced on May 31, 2008 and ended June 6, 2008, referenced this revised span of control of supervisors to officers.

On August 4, 2008, the DPD commenced annual in-service training, which

includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-118.

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**Paragraph U-74**


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**General Policies**


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The DPD shall enforce its policies requiring all DPD officers to report any misconduct committed by another DPD officer, whether committed on-duty or off-duty.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directive 102.3, *Code of Conduct*, as reported by the Monitor in her quarterly report ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-74.

A DPD weekly roll call training (#08-572), which commenced on February 16, 2008 and ended February 22, 2008, and reflashed in weekly roll call training (#08-3073), which commenced on June 14, 2008 and ended June 20, 2008, referenced reporting misconduct.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-112.

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**Paragraph U-75**


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**General Policies**


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The DPD shall revise its policies regarding off-duty officers taking police action to:

- a. provide that off-duty officers shall notify on-duty DPD or local law enforcement officers before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem;
- b. prohibit off-duty officers from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised; and
- c. provide that, if it appears the officer has consumed alcohol or is otherwise impaired, the officer shall submit to field sobriety, breathalyzer, and/or blood tests.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD has effectively disseminated Directives 102.3, *Code of Conduct*, and 202.1, *Arrests*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-75.

A DPD weekly roll call training (#07-5219), which commenced on November 17, 2007 and ended November 23, 2007, and reflash in weekly roll call training (#08-3354), which commenced on July 5, 2008 and ended July 11, 2008, referenced DPD's policy and Michigan law in regards to taking off-duty police action. Additionally, a DPD weekly roll call training (#09-0399), which commenced on February 7, 2009 and ended February 13, 2009, referenced the DPD's policy on Code of Conduct: Officer's Responsibilities.+ A DPD weekly roll call training (#09-1986), which commenced on May 30, 2009 and is scheduled to end June 5, 2009, referenced DPD's policy and Michigan law in regards to taking off-duty police action.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-112.

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## Paragraph U-76

## General Policies

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The DPD shall revise its policies regarding prisoners to:

- a. require officers to summon emergency medical services to transport prisoners when the restraints employed indicate the need for medical monitoring;
- b. require officers to utilize appropriate precautions when interacting with a prisoner who demonstrates he or she is recalcitrant or resistant, including summoning additional officers, summoning a supervisor and using appropriate restraints; and
- c. prohibit arresting and transporting officers from accompanying prisoners into the holding cell area.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directives 305.4, *Holding Cell Areas*, and 305.7, *Transportation of Detainees*, as reported by the Monitor in her quarterly report ending February 28, 2006. These directives define the policies and procedures relative to the requirements of Paragraph U-76.

A DPD weekly roll call training (#09-0222), which commenced on January 24, 2009 and ended January 30, 2009, referenced Arrest and Police/Citizen Interaction Tactics and Their Supervisory Evaluation.+ Additionally, a DPD weekly roll call training (#09-1462), which commenced on April 25, 2009 and ended May 1, 2009, referenced Documentation Requirements for Instances of Confronting Resistant or Defiant Detainees.+

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-112.

**Paragraph U-77****General Policies**

The DPD shall develop a foot pursuit policy to:

- a. require officers to consider particular factors in determining whether a foot pursuit is appropriate, including the offense committed by the subject, whether the subject is armed, the location (e.g., lighting and officer familiarity), whether more than one officer is available to engage in the pursuit, the proximity of reinforcements, and the ability to apprehend the subject at a later date;
- b. emphasize alternatives to foot pursuits, including area containment, surveillance, and obtaining reinforcements;
- c. emphasize the danger of pursuing and engaging a subject with a firearm in hand; and
- d. require officers to document all foot pursuits that involve a use of force on a separate, auditable form, such as the use of force report.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated Directive 202.7, *Foot Pursuit*, as reported by the Monitor in her quarterly report ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-77.

A DPD weekly roll call training (#07-4993), which commenced on November 3, 2007 and ended November 9, 2007, and reflashed in weekly roll call training (#08-3444), which commenced on July 12, 2008 and ended July 18, 2008, referenced the DPD's foot pursuit policy.

On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-112.

**Paragraph U-78****Management and Supervision**

The DPD shall devise a comprehensive risk management plan, including:

- a. a risk management database (discussed in paragraphs 79-90);
- b. a performance evaluation system (discussed in paragraph 91);
- c. an auditing protocol (discussed in paragraphs 92-99);
- d. regular and periodic review of all DPD policies; and
- e. regular meetings of DPD management to share information and evaluate patterns of conduct by DPD that potentially increase the DPD's liability.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

For the status of these requirements, please see Paragraph C-63.

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**Paragraph U-79**


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**Management and Supervision**


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The DPD shall enhance and expand its risk management system to include a new computerized relational database for maintaining, integrating and retrieving data necessary for supervision and management of the DPD. Priority shall be given to the DPD obtaining an established program and database. The DPD shall ensure that the risk management database it designs or acquires is adequate to evaluate the performance of DPD officers across all ranks, units and shifts; to manage risk and liability; and to promote civil rights and best police practices. The DPD shall regularly use this data for such review and monitoring.

**STATUS: EFFORTS TOWARD COMPLIANCE**

Due to the association between Paragraphs U-79 through 81, the status of this paragraph is reported jointly under Paragraph U-81.

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**Paragraph U-80**


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**Management and Supervision**


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The new risk management database shall collect and record the following information:

- a. all use of force reports and use of force investigations;
- b. all canine deployments;
- c. all canine apprehensions;
- d. all canine bites;
- e. all canisters of chemical spray issued to officers;
- f. all injured prisoner reports and injured prisoner investigations;
- g. all instances in which force is used and a subject is charged with ~~%~~resisting arrest, ~~+~~ ~~%~~assault on a police officer, ~~+~~ ~~%~~disorderly conduct ~~+~~ or ~~%~~interfering with a city employee; ~~+~~
- h. all firearm discharge reports and firearm discharge investigations;
- i. all incidents in which an officer draws a firearm and acquires a target;
- j. all complaints and complaint investigations, entered at the time the complaint is filed and updated to record the finding;
- k. all preliminary investigations and investigations of alleged criminal conduct;
- l. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City, or its officers, or agents, resulting from DPD operations or the actions of DPD personnel, entered at the time proceedings are initiated and updated to record disposition;
- m. all vehicle and foot pursuits and traffic collisions;
- n. all reports regarding arrests without probable cause or where the individual was discharged from custody without formal charges being sought;
- o. all reports regarding investigatory stops and/or frisks unsupported by

- reasonable suspicion;
- p. all reports regarding interviews, interrogations or conveyances in violation of DPD policy;
- q. the time between arrest and arraignment for all arrests;
- r. all reports regarding a violation of DPD prompt judicial review policy;
- s. all reports regarding a violation of DPD hold policy;
- t. all restrictions on phone calls or visitors imposed by officers;
- u. all instances in which the DPD is informed by a prosecuting authority that a declination to prosecute any crime was based, in whole or in part, upon concerns about the credibility of a DPD officer or that a motion to suppress evidence was granted on the grounds of a constitutional violation by a DPD officer;
- v. all disciplinary action taken against officers;
- w. all non-disciplinary corrective action required of officers, excluding administrative counseling records;
- x. all awards and commendations received by officers;
- y. the assignment, rank, and training history of officers; and
- z. firearms qualification information of officers.

#### **STATUS: EFFORTS TOWARD COMPLIANCE**

Due to the association between Paragraphs U-79-81, the status of this paragraph is reported jointly under Paragraph U-81.

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#### **Paragraph U-81**

#### **Management and Supervision**

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The new risk management database shall include, for each incident, appropriate identifying information for each involved officer (including name, pension number, badge number, shift and supervisor) and civilian (including race, ethnicity or national origin, sex, and age).

#### **STATUS: EFFORTS TOWARD COMPLIANCE**

On August 11, 2008, the DPD implemented the Management Awareness System department wide. The system, as configured by the city of Detroit ITS Department, was developed to capture the information mandated in Paragraphs U-79, 80 and 81. Currently, the MAS team<sup>54</sup> is monitoring the use of the system and provides technical support to DPD members by way of a dedicated telephone line and via email communications.

Training on the use of the system was conducted for newly appointed police officers during this quarter.

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<sup>54</sup> The MAS team is comprised of sworn DPD members from the Office of Civil Rights and Planning and non-sworn members from ITS.



On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. The training requirement for these paragraphs are evaluated under Paragraph U-120.

Further work continues to improve the user experience for MAS. On May 21, 2009, a Risk Management Committee consisting of various members of DPD commands, ITS and Planning, was established with the purpose of ensuring the effective implementation of MAS.

During this review quarter, the DOJ, along with their consultant, and the Monitor's team, were on-site on May 28, 2009, to assess MAS in its current state.

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#### **Paragraph U-82**

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#### **Management and Supervision**

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The DPD shall prepare, for the review and approval of the DOJ, a Data Input Plan for including appropriate fields and values of new and historical data into the risk management database and addressing data storage. The Data Input Plan shall:

- a. detail the specific fields of information to be included and the means for inputting such data (direct entry or otherwise);
- b. specify the unit responsible for inputting data, the deadlines for inputting the data in a timely, accurate, and complete manner;
- c. specify the historical time periods for which information is to be input and the deadlines for inputting the data in an accurate and timely fashion;
- and
- d. require that the data be maintained in a secure and confidential manner.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DOJ provided final approval of the Report Protocol to the DPD on April 30, 2007, and the DPD was thus found in compliance with the requirements of this paragraph by the Monitor in her report for the quarter ending May 31, 2007.

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#### **Paragraph U-83**

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#### **Management and Supervision**

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The DPD shall prepare, for the review and approval of the DOJ, a Report Protocol for the risk management database that details the types of routine reports the DPD shall generate and pattern identifications the DPD shall conduct. The Report Protocol shall:

- a. require the automated system to analyze the data according to the following criteria:
  - i) number of incidents for each data category by individual officer and by all officers in a unit;

- ii) average level of activity for each data category by individual officer and by all officers in a unit; and
  - iii) identification of patterns of activity for each data category by individual officer and by all officers in a unit;
- b. establish thresholds for the numbers and types of incidents requiring a review by an officer's supervisor of whether the officer or group of officers is engaging in at-risk behavior (in addition to the regular reviews required by paragraph 84); and
- c. require the database to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DOJ provided final approval of the Report Protocol to the DPD on November 1, 2005, and the DPD was thus found in compliance with the requirements of this paragraph by the Monitor in her report for the quarter ending November 30, 2005.

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#### **Paragraph U-84**

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#### **Management and Supervision**

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The DPD shall prepare, for the review and approval of the DOJ, a Review Protocol for using the risk management database that addresses data analysis, supervisory assessment, supervisory intervention, documentation and auditing. The Review Protocol shall require:

- a. that when an officer or group of officers pass a threshold established in the Report Protocol the officer(s)'s supervisor shall review all information in the risk management database regarding the officer(s), together with other relevant information;
- b. the reviewing supervisor to document whether he or she took non-disciplinary corrective action or recommended disciplinary action, the basis for this decision, and what corrective action was taken, if any;
- c. supervisors to review, on a regular basis but not less than quarterly, database reports, together with other relevant information, to evaluate individual officer and unit activity for at-risk behavior;
- d. precinct and unit commanders to review, on a regular basis but not less than quarterly, database reports, together with other relevant information, to evaluate individual supervisors' assessment and analysis of information in the risk management database and the corrective action taken by supervisors;
- e. appropriate DPD supervisors to review and evaluate, on a regular basis but not less than quarterly, police performance citywide, using all relevant information from the risk management database and other relevant information and to evaluate and make appropriate comparisons regarding the performance of all DPD units in order to identify any significant patterns or series of incidents;

- f. commanders and supervisors conducting such periodic reviews to take non-disciplinary corrective action when appropriate for individual officers, supervisors or units and document any such action in writing;
- g. that the information in the database be accessible to commanders, supervisors and the BPC;
- h. that the information in the database is considered when evaluating a DPD employee for transfer or promotion;
- i. commanders and supervisors to promptly review records of all officers recently transferred to their sections and units;
- j. commanders and supervisors to be evaluated on their ability to use the risk management database to enhance effectiveness and reduce risk;
- k. that a designated DPD unit be responsible for managing and administering the database, including conducting quarterly audits of the system to ensure action is taken according to the process described above; and
- l. that aggregated information from the risk management database be shared on a regular and periodic basis with training and policy planning staff.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

The DOJ provided provisional approval of the Review Protocol to the DPD on July 11, 2005, and the DPD was found in compliance with the requirements of this paragraph by the Monitor in her report for the quarter ending August 31, 2005.

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#### **Paragraph U-85**

#### **Management and Supervision**

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The DPD shall seek to ensure that the risk management database is created as expeditiously as possible. As part of this effort, the DPD, in consultation with the DOJ, shall organize the risk management database into modules in developing the Data Input Plan, the Report Protocol, the Review Protocol and the Request for Proposals and in negotiating with contractors, such that difficulties with one aspect of the risk management database do not delay implementation of other modules.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

Based upon the agreement between the DPD and the DOJ on January 24, 2007, and stipulated by the court in a letter from the DOJ dated February 23, 2007, the conversion of the IMAS into MAS ensured the organization of the modules as required by Paragraph U-85.

Therefore, the Monitor in her report for the quarter ending August 31, 2007, concurred and found the DPD in compliance with the requirements of Paragraph U-85.

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**Paragraph U-86**

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**Management and Supervision**

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Where information about a single incident is entered into the risk management database from more than one document (e.g., from a complaint form and a use of force report), the risk management database shall use a common control number or other equally effective means to link the information from different sources so that the user can cross-reference the information and perform analyses.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs U-86 and U-87, the status of this paragraph is reported jointly under Paragraph U-87.

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**Paragraph U-87**

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**Management and Supervision**

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The City shall maintain all personally identifiable information about an officer included in the risk management database during the officer's employment with the DPD and for at least five years after separation. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the risk management database.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

On August 11, 2008, the DPD implemented the Management Awareness System (MAS) department wide. The system, as configured by the city of Detroit ITS Department, was developed to capture information mandated by Paragraphs U-86 and U-87.

Additionally, the configuration of the MAS allowed for the conversion of all past IMAS Performance Indicators (PI) into the current MAS database.

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**Paragraph U-88**

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**Management and Supervision**

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The new risk management database shall be developed and implemented according to the following schedule:

- a. Within 90 days of the effective date of this Agreement, the DPD shall submit the Data Input Plan to the DOJ for review and approval. The DPD shall share drafts of this document with the DOJ to allow the DOJ to become familiar with the document as it is developed and to provide informal comments. The DPD and the DOJ shall together seek to ensure that the Data Input Plan receives final approval within 30 days after it is presented for review and approval.
- b. By September 30, 2003, the DPD shall submit the Report Protocol and a Request for Proposals to the DOJ for review and approval. The DPD shall share drafts of these documents with the DOJ to allow the DOJ to become familiar with the documents as developed and to provide informal comments.

The DPD and the DOJ shall together seek to ensure that the Report Protocol and the Request for Proposals receive final approval within 30 days after they are presented for review and approval.

- c. By October 31, 2003, the DPD shall issue the Request for Proposals.
- d. By March 30, 2004, the DPD shall submit the Review Protocol to the DOJ for review and approval. The DPD shall share drafts of this document with the DOJ and the Monitor (a position described in Section X) to allow the DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The DPD and the DOJ shall together seek to ensure that the protocol receives final approval within 30 days after it is presented for review and approval.
- e. By May 31, 2004, the DPD shall select the contractor to create the risk management database.
- f. By June 30, 2005, the City shall have ready for testing a beta version of the risk management database consisting of: i) server hardware and operating systems installed, configured and integrated with the City and DPD's existing automated systems; ii) necessary data base software installed and configured; iii) data structures created, including interfaces to source data; and iv) the information system completed, including historic data. The DOJ and the Monitor shall have the opportunity to participate in testing the beta version using new and historical data and test data created specifically for purposes of checking the risk management database.
- g. The risk management database shall be operational and fully implemented by December 31, 2005.

## **STATUS: IN SUBSTANTIAL COMPLIANCE**

On August 11, 2008, the DPD implemented the Management Awareness System (MAS) department wide. This amended date was agreed upon by the DOJ and the DPD, as the date that the system would be required to be operational.

The Monitor has found the DPD compliant with the majority of these subparagraphs (a,b,d and e) in various Monitor's quarterly reports, dating back to the quarter ending November 30, 2005. The Monitor discontinued assessment of Subparagraph U-88c in the quarter ending May 31, 2007, due to the fact that the DPD decided to internally develop MAS and a Request for Proposal (RFP) was not necessary. In regards to Subparagraph U-88f, the Monitor reported that she will no longer assess this subparagraph after August 31, 2008, as MAS was now implemented.

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### **Paragraph U-89**

### **Management and Supervision**

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Prior to implementation of the new risk management database, the DPD shall develop an interim system to identify patterns of conduct by DPD officers or groups of officers. The interim system shall require periodic reviews of relevant information, but no less than monthly, and evaluations of whether an officer or group of officers is

engaging in at risk behavior. This interim system shall collect and analyze the following information: citizen complaint reports and investigations; use of force investigations; shootings; vehicle chases; injured prisoner investigations; traffic collisions; canisters of chemical spray issued to officers; firearms qualifications; training; prompt judicial review; disciplinary action; arrest without probable cause; all reports regarding investigatory stops and/or frisks unsupported by reasonable suspicion; and all reports regarding interviews, interrogations or conveyances in violation of DPD policy in a format that facilitates entry into the final risk management database, to the fullest extent possible.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE; NO LONGER BEING MONITORED**

The DPD developed and began a phased implementation of an interim early warning system+Interim Management Awareness System (IMAS) in January of 2005, that continued to be operational until the implementation of MAS. The IMAS database tracked over 50 performance indicators such as meritorious service, training, citizen complaints, lawsuits, use of sick time, vehicle chases, vehicle crashes, etc.

The DPD's IMAS data has been converted into the permanent MAS effective on August 11, 2008.

The Monitor in her report for the quarter ending August 31, 2008, determined that the requirements of this paragraph will no longer be assessed due to MAS superseding IMAS.

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#### **Paragraph U-90**

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#### **Management and Supervision**

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Following the initial implementation of the risk management database, and as experience and the availability of new technology may warrant, the DPD may propose to subtract or modify data tables and fields, modify the list of documents scanned or electronically attached, and subtract or modify standardized reports and queries. The DPD shall submit all such proposals for review and approval by the DOJ before implementation.

#### **STATUS: NOT EVALUTED – EVALUATED AS NEEDED**

With the development and full implementation of the MAS, the DPD will evaluate, as warranted, whether any such proposals, as described in this paragraph, may be needed.

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#### **Paragraph U-91**

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#### **Management and Supervision**

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DPD shall ensure that performance evaluations for all DPD employees occur at least annually and include, but are not limited to, consideration of the following:

- a. civil rights integrity;
- b. adherence to law, including performing duties in a manner consistent with the requirements of the Fourth and Fifth Amendments to the Constitution and the Civil Rights laws of the United States; and
- c. supervisor's performance in identifying and addressing at-risk behavior in subordinates, including their supervision and review of use of force, arrests, care of prisoners, prisoner processing, and performance bearing upon honesty and integrity.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
ADDITIONAL STEPS TAKEN TO ENHANCE EFFECTS OF COMPLIANCE**

The DPD has effectively disseminated the Directive 401.1, *Performance Evaluation Ratings*, as reported by the Monitor in her report for the quarter ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-91. On August 28, 2008, the revised Directive 401.1, *Performance Evaluation Ratings*, was presented to the BOPC for approval. The revisions included modifications to the policy to reference use of the data contained in MAS by supervisory personnel when conducting performance evaluations of subordinates.

The DPD continues to complete performance evaluations of all personnel as required by Directive 401.1, *Performance Evaluation Ratings*.<sup>55</sup> All members of the rank of police officer through lieutenant are to be evaluated twice a year, and the rank of inspector and commander are to be evaluated annually. Civilian personnel are evaluated annually as well. The Monitor and the DPD participated in meetings in 2008 to discuss the methods for evaluating the DPD's compliance with this requirement. The DPD and the Monitor agreed that the DPD would utilize the data contained in MAS to assist in conducting performance evaluations of DPD members. On May 8, 2009, teletype #09-1680 was issued to reinforce the policy requirements relative to this paragraph.

On August 4, 2008, the DPD commenced annual training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-118.

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**Paragraph U-92**

**Management and Supervision**

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The DPD shall develop a protocol for conducting audits to be used by each officer or supervisor charged with conducting audits. The protocol shall establish a regular and fixed schedule to ensure that such audits occur with sufficient frequency and cover all DPD units and commands.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

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<sup>55</sup> The paragraph is related to Paragraphs U-78b and U-63b.

The *2008-2009 Audit Protocol* for the current fiscal year was prepared and submitted to the Monitor on August 31, 2008. The protocol contains the requirements of this paragraph.

The Monitor found the DPD compliant with the requirements of this paragraph in her report for the quarter ending November 30, 2008.

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### **Paragraph U-93**

### **Management and Supervision**

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The DPD shall issue a report to the Chief of Police on the result of each audit and examine whether there is consistency throughout the DPD. The DPD shall also provide the reports to each precinct or specialized unit commander. The commander of each precinct and specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action.

### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

All audit reports are forwarded to the Chief of Police and department executives in accordance with this paragraph. During the previous review quarter ending January 31, 2009, the DPD AT submitted all of the completed COC CJ related audits, via electronic mail, to the Chief of Police and all commanding officers.

In addition, commanders are required to document corrective actions taken in response to audit findings and take appropriate corrective action regarding employees under their command. During this quarter, the OCR developed a tracking mechanism for audit findings specific to employees where corrective action is required. This effort will assist the DPD in its efforts toward compliance with this requirement. The DPD understands that the documentation of corrective action in response to audits is of the highest importance and it continues to strive to meet that requirement. During this reporting quarter and in response to the semi-annual *Custodial Detention Audit Report* and its findings, the OCR issued 17 various Corrective Action Notices (CAN) to the applicable commands identified as being in violation. Additionally, the DPD Compliance Team is in ongoing consultation with the Monitor's Auditing Team in developing a most pragmatic approach to obtaining compliance with the paragraph.

During this reporting period, the AT completed and submitted to the Monitor 10 audit reports (seven COC and three UOF). These audit reports were forwarded to the Chief of Police and commanding officers for their review and prerogative.



**Paragraph U-94****Management and Supervision**

The DPD shall conduct regularly scheduled annual audits, covering all DPD units and commands that investigate uses of force, prisoner injuries, and allegations of misconduct. The audits shall include reviewing a sample of command, IAD, and Homicide Section investigations; evaluating whether the actions of the officer and the subject were captured correctly in the investigative report; and evaluating the preservation and analysis of the evidence and the appropriateness of the investigator's conclusions.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The *Use of Force Investigations Audit Report (U-94a)*, was submitted to the Monitor on August 31, 2008. The audit report was assessed as non-compliant by the Monitor. The next report is scheduled for submission on July 31, 2009, and will be combined with the *UOFHC Audit Report*.

The *Prisoner Injuries Investigations Audit Report (U-94b)*, was submitted to the Monitor on February 28, 2009. Currently, the audit report is being assessed by the Monitor for a determination of compliance.

The *Allegations of Misconduct/Allegations of Misconduct in Holding Cells Audit Report (U-94c and C-65c)*, was submitted to the Monitor on August 31, 2008. The audit report was assessed as non-compliant by the Monitor. The next report is scheduled for submission on July 31, 2009, and will be combined with the *PIHC and AOMHC Audit Reports*.

**Paragraph U-95****Management and Supervision**

The DPD shall conduct regularly scheduled annual audits covering all precincts and specialized units that review a sample of findings of probable cause, stop and frisk reports and witness identification and questioning documentation. The audits shall include evaluating the scope, duration, content, and voluntariness, if appropriate, of the police interaction. The audits shall include a comparison of the number of arrests to requests for warrants and a comparison of the number of arrests for which warrants were sought to judicial findings of probable cause.

**STATUS: IN PARTIAL COMPLIANCE**

The annual *Arrest Audit Report (U-95a)* was submitted to the Monitor on February 16, 2009. Currently, the audit report is being assessed by the Monitor for a determination of compliance. The previously submitted *Arrest Audit Report*, which was submitted on May 31, 2008, was found to be in partial compliance by the Monitor.

The *Stop and Frisk Audit Report (U-95b)* was submitted to the Monitor on

August 31, 2008. The audit report was assessed at partial compliance by the Monitor. The next report is scheduled for submission on August 31, 2009.

The *Witness Identification and Questioning Audit Report (U-95c)* was submitted to the Monitor on August 31, 2008. The audit report is being assessed by the Monitor. The next report is scheduled for submission on August 31, 2009.

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**Paragraph U-96**

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**Management and Supervision**

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The DPD shall conduct regularly scheduled annual audits covering all precincts and specialized units that examine custodial detention practices. The audits shall include reviewing the length of detention between arrest and arraignment and the time to adjudicate holds.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The annual *Custodial Detention Audit Report* was submitted to the Monitor on February 28, 2009, as required. Currently, the audit report is being assessed by the Monitor for a determination of compliance. The previously submitted *Custodial Detention Audit Report*, which was submitted on May 31, 2008, was found to be compliant by the Monitor.

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**Paragraph U-97**

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**Management and Supervision**

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The Chief Investigator of OCI shall designate an individual or entity to conduct regularly scheduled quarterly audits that examine external complaints and complaint investigations. The audit shall include reviewing a sample of complaints that were resolved informally, reviewing a sample of OCI investigations of complaints, and contacting the complainants to evaluate whether the actions and views of the complainant were captured correctly in the complaint report and/or investigation. The Chief Investigator shall review all audit reports regarding officers under OCI command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The *External Complaint and Complaint Investigation Audit Report*, due to be submitted to the Monitor on August 31, 2008, was not conducted. Due to a technological issue, data compiled relative to this audit was not able to be retrieved. The next report is scheduled for submission on August 31, 2009.

**Paragraph U-98****Management and Supervision**

The DPD shall conduct and document periodic random reviews of scout car camera videotapes for training and integrity purposes. In addition, the DPD shall require periodic random surveys of scout car video recording equipment to confirm that it is in proper working order.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-98, U-100, U-101, and U-102, the status of this paragraph is reported jointly under Paragraph U-102.

**Paragraph U-99****Management and Supervision**

The DPD shall ensure regular meetings with local prosecutors to identify issues in officer, shift or unit performance.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD continues to be in compliance with Paragraph U-99.<sup>56</sup> The DPD and the Wayne County Prosecutor's Office continue to meet quarterly to identify significant issues in officer, shift or unit performance. The meeting held during this review period occurred on May 6, 2009.

Subjects of discussion were the current status of the DPD's in-car video system and its alternatives, improvement in communication with Homicide regarding the transfer of evidence, gun shot residue testing, status of DPD officers to be criminally charged, and the reporting of crimes occurring on public school grounds. In addition, the APA reported that no material witness court orders (detainers) were outstanding as of the meeting date.

**Paragraph U-100****Management and Supervision**

The DPD shall repair or replace all non-functioning video cameras.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-98, U-100, U-101, and U-102, the status of this paragraph is reported jointly under Paragraph U-102.

<sup>56</sup> The Monitor has found the DPD in compliance with this paragraph the last eight quarterly reports (Fifth, Seventh, Ninth, Eleventh, Thirteenth, Fifteenth, Seventeenth and Nineteenth Quarters).

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**Paragraph U-101**

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**Management and Supervision**

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The DPD policy on video cameras shall be revised and augmented to require:

- a. activation of scout car video cameras at all times the officer is on patrol;
- b. supervisors to review videotapes of all incidents involving injuries to a prisoner or an officer, uses of force, vehicle pursuits and external complaints; and
- c. that the DPD retain and preserve videotapes for at least 90 days, or as long as necessary for incidents to be fully investigated.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-98, U-100, U-101, and U-102, the status of this paragraph is reported jointly under Paragraph U-102.

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**Paragraph U-102**

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**Management and Supervision**

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The DPD policy on video cameras shall require officers to record all motor vehicle stops, consents to search a vehicle, deployments of a drug-detection canine, or vehicle searches.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The DPD has effectively disseminated the Directive 303.3, *In-Car Video*, as reported by the Monitor in her quarterly report ending February 28, 2006, (the Video Review Protocol was an attachment to the In-Car Video Directive and disseminated at the same time). This directive defines the policies and procedures relative to the requirements of Paragraphs U-98, U-100 through U-102.

During this quarter, the DPD, upon recommendation from the DOJ, met with an independent consultant of their choosing for an assessment of the current system. The DOJ consultant recommended that the DPD develop a Request for Proposal (RFP) with minimum specifications for system requirements. The DPD is in the process of developing this RFP, and will be providing updates to the Monitor and the DOJ on the status of this endeavor as it progresses.

On August 4, 2008, the DPD commenced annual training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-118.

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**Paragraph U-103**

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**Management and Supervision**

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The City shall ensure that adequate resources are provided to eliminate the backlog

of disciplinary cases and that all disciplinary matters are resolved as soon as reasonably possible.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

Due to the association between Paragraphs U-103 and U-104, the status of this paragraph is reported jointly under Paragraph U-104.

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#### **Paragraph U-104**

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#### **Management and Supervision**

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The DPD shall schedule disciplinary hearings, trials, and appeals at appropriately frequent intervals, to prevent a disciplinary backlog from developing. As part of determining how often to schedule such hearings, the DPD shall establish guidelines dictating the maximum period of time that should elapse between each stage of the disciplinary process.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT AND U-103; EFFORTS MADE TOWARD COMPLIANCE U-104**

During the Eighteenth Quarter ending February 29, 2008, the Monitor requested access to the disciplinary files in which discipline was imposed during the month of December 2007. In response, Disciplinary Administration (DA) provided the Monitor with a list of 12 disciplinary files. The referred actions for eight of the files were Commander's Disciplinary Action, three files were handled at the command level and one file went to a police trial board. The Monitor reviewed each individual file and determined that the DPD adhered to the Disciplinary Timeline Process for five of 12 files (42%). In addition, the Monitor requested a copy of the DA's six month review as required by the disciplinary timelines, which DA provided. The six month review indicated that two matters were awaiting findings by the trial board.

The DA provides monthly reminders to DPD Executives informing them of any Commander's Actions pending in their commands. In addition, reminders are sent to Trial Board members who have past due trial board findings with notification to the appropriate Assistant Chief(s).

The DPD has been found compliant with Paragraph U-103 (eliminating all disciplinary backlogs) by the Monitor in her reports for the quarters ending August 31, 2007, February 29, 2008 and August 31, 2008. However, the Monitor most recently found the DPD in non-compliance in her report for the quarter ending February 28, 2009. In 2008, additional personnel were assigned to DA to assist with the preparation and scheduling of discipline matters to ensure a backlog does not exist.

The DPD shall create a disciplinary matrix that:

- a. establishes a presumptive range of discipline for each type of rule violation;
- b. increases the presumptive discipline based on both an officer's prior violations of the same rule as well as violations of other rules;
- c. requires that any departure from the presumptive range of discipline must be justified in writing;
- d. provides that the DPD shall not take only non-disciplinary corrective action in cases in which the disciplinary matrix calls for the imposition of discipline; and
- e. provides that the DPD shall consider whether non-disciplinary corrective action also is appropriate in a case where discipline has been imposed.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE**

During the Eighteenth Quarter the Monitor determined that the discipline imposed in the twelve files she examined in December, 2007 fell within the appropriate presumptive range on the disciplinary matrix.

The DPD has effectively disseminated the Directive 102.4, *Discipline/Misconduct Investigation* and the *Discipline Matrix*, as reported by the Monitor in her quarterly report ending February 28, 2006. This directive defines the policies and procedures relative to the requirements of Paragraph U-105. DPD executives are required to and are continuously utilizing the *Disciplinary Matrix* when making recommendations to the Chief of Police subsequent to disciplinary hearings (Trial Boards). The Monitor, in her report for the quarter ending August 31, 2007, found the DPD compliant with the requirements of Paragraph U-105. However, the Monitor in her report for the quarter ending February 29, 2008, determined that if the DPD members did not receive training on this requirement, although the DPD had effectively implemented the requirements of this paragraph, compliance was not achieved. Most recently the Monitor has found the DPD in compliance in report for the quarter ending February 28, 2009, due to DPD's ability to consistently adhere to the disciplinary matrix.

On August 4, 2008, the DPD did commence annual training, which includes the requirements of this paragraph. The training requirement for this paragraph is evaluated under Paragraph U-118.

The DPD shall coordinate and review all use of force and arrest and detention training to ensure quality, consistency and compliance with applicable law and DPD policy. The DPD shall conduct regular subsequent reviews, at least semi-annually, and produce a report of such reviews to the Monitor and the DOJ.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The *Use of Force and Supervisory Leadership and Command Accountability Lesson Plans* were approved on November 9, 2007. On August 4, 2008, the DPD commenced annual in-service use of force and supervisor accountability and leadership training to its members. During the quarter ending November 30, 2008, a detailed semi-annual review of these training modules was completed by members of the OCR and Training Center. The review was based upon instructor feedback and potential lesson plan updates required through policy/legal updates. The review was memorialized and forwarded to the Monitor on October 15, 2008. On November 25, 2008, and again on February 17, 2009, the DPD and the Monitor discussed the requirements of this paragraph. The Monitor determined that the procedure the DPD utilized to compile this report was insufficient. The Office of Training and Professional Development coordinated meetings for the Training Committee on April 12, 2009 and May 21, 2009, in order to meet the requirements of this paragraph.

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**Paragraph U-107**

**Training**

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The DPD, consistent with Michigan law and the Michigan Law Enforcement Officers Training Council standards, shall:

- a. ensure the quality of all use of force and arrest and detention training;
- b. develop use of force and arrest and detention training curricula;
- c. select and train DPD officer trainers;
- d. develop, implement, approve and oversee all training and curricula;
- e. establish procedures for evaluating all training curricula and procedures; and
- f. conduct regular needs assessments to ensure that training governing use of force and arrest and detention are responsive to the knowledge, skills and abilities of the officers being trained.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

During the quarter ending November 30, 2005, the Monitor attended meetings with the DPD and inquired as to the intended processes to demonstrate a coordinated approach to the training requirements of the UOF CJ and the specific requirements of this paragraph. The DPD's development of lesson plans includes a best practices research process and a review by DPD's training staff to ensure the quality of the training is acceptable.

The Commanding Officer of the Office of Training and Professional Development selects and trains DPD trainers, approves all use of force and arrest and detention training curricula, and oversees all training and curricula relative to these subjects.

The DPD designed and developed a Training Integration Matrix for each respective CJ and forwarded the same to the Monitor for review during the Eighteenth Quarter to promote a coordinated effort within the DPD with regard to the implementation of approved lesson plans. On May 27, 2008, members of the DPD, RMB, OCR, CDDT, and the Training Center met with the Monitor and discussed, among other issues, the requirements of this paragraph. U-107c requires the DPD to select and train officers who will serve as trainers. On July 30, 2008, the DPD provided the Monitor with a list of members assigned to the Training Center who has attended instructor development training and all instructors' resumes were forwarded to the Monitor on November 17, 2008. On November 25, 2008, and again on February 17, 2009, the DPD and the Monitor discussed the requirements of this paragraph. The Monitor in her report for the quarter ending November 30, 2008, found the DPD in non-compliance with the requirement of the paragraph.

Most recently, the Office of Training and Professional Development is in the process of devising a systematic approach to gaining compliance with subparagraphs a, b, d and e. In regards to subparagraph f, the DPD received technical assistance from the Monitor on March 17, 2009. The Training Committee is conducting a needs assessment based upon the technical assistance provided. In regards to subparagraph c, the Monitor will be providing technical assistance to the DPD on the dates of June 30, July 1 and July 2, 2009.

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#### **Paragraph U-108**

#### **Training**

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The DPD shall create and maintain individual training records for all officers, documenting the date and topic of all pre-service and in-service training completed for all training conducted on or after the effective date of this Agreement.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The DPD utilizes the Michigan Commission on Law Enforcement Standards (MCOLES) Information & Tracking Network (MITN) system to maintain individual training records for sworn members. Members of the Training Center are continuing to enter training records<sup>57</sup> into the MITN system. However, as of the date of this report, the number of training records entered does not meet the requirements of this paragraph. The Office of Training and Professional Development was assigned additional personnel to address the issue of entering the records into the MITN system. It is anticipated that the entry of training records will be expedited due to the additional personnel being assigned to this task. The method for capturing all training records for non-sworn members is under review at this time.

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<sup>57</sup> Historical training data as well as any training that has been conducted recently.



**Paragraph U-109****Training**

The DPD shall ensure that only mandated objectives and approved lesson plans are taught by instructors and that instructors engage students in meaningful dialogue regarding particular scenarios, preferably taken from actual incidents involving DPD officers, with the goal of educating students regarding the legal and tactical issues raised by the scenarios.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the following lesson plans: 1) *Use of Force*; 2) *Supervisory Leadership and Accountability*; and 3) *Law of Arrest and Search and Seizure Lesson Plans*. On July 22, 2008, the Monitor approved the *Detention Officer Lesson Plan*, and the *OCI/IA/FI Investigatory Lesson Plan* on October 15, 2008. The DPD currently has eight (8) of the nine (9) lesson plans approved by the DOJ and/or the Monitor that meet all of the substantive training requirements of the CJs. The Monitor has begun assessment of the DPD's level of compliance with the requirements of this paragraph through the observations of the actual training program in comparison to the approved written lesson plan.

The only remaining lesson plan to fulfill CJ requirements will be ~~Firearms~~ . Recruit Training+(U-113d), which was submitted to the Monitor on February 3, 2009.

On November 25, 2008, the DPD and the Monitor discussed the requirements of this paragraph. The DPD utilized the semi-annual report inclusive to Paragraph U-106 to also evaluate the requirements of this paragraph. Subsequently, the Monitor in her report for the quarter ending November 30, 2008, found the DPD in non-compliance with the requirement of the paragraph. The Office of Training and Professional Development is in the process of developing a procedure for attaining compliance with this paragraph.

**Paragraph U-110****Training**

The DPD shall meet with the City Law Department on a quarterly basis concerning the conclusion of civil lawsuits alleging officer misconduct. Information gleaned from this process shall be distributed to DPD risk management and training staff.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

The DPD meets with the City Law Department on a quarterly basis. The last quarterly meeting was held on April 27, 2009, which was attended by a member of the Monitor's Team. The DPD not only disseminates the information gleaned from this meeting to DPD risk management and training staff vis-à-vis a Risk Management Newsletter as required by this paragraph, but goes beyond the parameters of this paragraph by disseminating the Risk Management Newsletter to all members of the

DPD and posting of the same on the DPD-Intranet. During this review quarter, a Risk Management Newsletter was disseminated through electronic mail on May 7, 2009.

The Monitor in her reports for the quarters ending May 31, 2007, November 30, 2007, May 31, 2008 and February 28, 2009, found the DPD in compliance with the requirements of Paragraph U-110.

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#### **Paragraph U-111**

#### **Training**

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The City and the DPD shall distribute and explain this Agreement to all DPD and all relevant City employees. The City and the DPD shall provide initial training on this Agreement to all City and DPD employees whose job responsibilities are effected by this Agreement within 120 days of each provision's implementation. Thereafter, the DPD shall provide training on the policies contained in this Agreement during in-service training.

#### **STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT; EFFORTS MADE TOWARD COMPLIANCE**

The CJ has been distributed and explained to relevant City employees (e.g., Detroit Fire Department, Health Department and Neighborhood City Hall personnel) and DPD employees whose job responsibilities are affected by the CJ. On August 4, 2008, the DPD commenced annual in-service CJ related training to its members.

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#### **Paragraph U-112**

#### **Training**

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The DPD shall provide all DPD recruits, officers, and supervisors with annual training on use of force. Such training shall include and address the following topics:

- a. the DPD's use of force continuum; proper use of force; decision making; and the DPD's use of force reporting requirements;
- b. the Fourth Amendment and other constitutional requirements, including recent legal developments;
- c. examples of scenarios faced by DPD officers and interactive exercises that illustrate proper use of force decision making, including the use of deadly force;
- d. the circumstances in which officers may draw, display, or point a firearm, emphasizing:
  - i) officers should not draw their firearm unless they reasonably believe there is a threat of serious bodily harm to the officer or another person;
  - ii) the danger of engaging or pursuing a subject with a firearm drawn; and
  - iii) that officers are generally not justified in drawing their firearm when pursuing a subject suspected of committing only a misdemeanor;

- e. the proper use of all intermediate force weapons;
- f. threat assessment, alternative and de-escalation techniques that allow officers to effect arrests without using force and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units or even letting a subject temporarily evade arrest may be the appropriate response to a situation, even when the use of force would be legally justified;
- g. interacting with people with mental illnesses, including instruction by mental health practitioners and an emphasis on de-escalation strategies;
- h. factors to consider in initiating or continuing a pursuit;
- i. the proper duration of a burst of chemical spray, the distance from which it should be applied, and emphasize that officers shall aim chemical spray only at the target's face and upper torso; and
- j. consideration of the safety of civilians in the vicinity before engaging in police action.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Use of Force Lesson Plan*. On August 4, 2008, the DPD commenced annual in-service use of force training to its members. Additionally, the approved *Monadnock PR-24 Collapsible Baton Lesson Plan* is also included into this weekly annual in-service training block. As of the week ending May 15, 2009, 75% of DPD members have been trained in these lesson plans.

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**Paragraph U-113**

**Training**

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The DPD shall develop a protocol regarding firearms training that:

- a. ensures that all officers and supervisors complete the bi-annual firearms training and qualification;
- b. incorporates professional night training, stress training (i.e., training in using a firearm after undergoing physical exertion) and proper use of force decision making training in the bi-annual in-service training program, with the goal of adequately preparing officers for real life situations;
- c. ensures that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times; and
- d. incorporates evaluation criteria to determine satisfactory completion of recruit and in-service firearms training, including:
  - i) maintains finger off trigger unless justified and ready to fire;
  - ii) maintains proper hold of firearm and proper stance; and
  - iii) uses proper use of force decision making.

**STATUS: IN SUBSTANTIAL COMPLIANCE**

On November 13, 2007, the DPD completed and re-submitted the *Firearms Qualification Lesson Plan* to the Monitor for review. A subsequent review was received from the Monitor on February 18, 2008. The CDDT completed the necessary recommended revisions and resubmitted the lesson plan on February 21, 2008. Subsequently, the Monitor approved the *Firearms Lesson Plan* on March 17, 2008. The DPD Firearms Training Unit immediately implemented this approved lesson plan into their current bi-annual inservice qualification period. On August 18, 2008, the DPD Firearms Training Unit began the second half of the bi-annual inservice qualification period. The current bi-annual qualification period commenced on January 26, 2009.

Additionally, the Recruit Firearms Lesson Plan was submitted to the Monitor on February 3, 2009, for her review. As of the end of the reporting period, the DPD has not received a memorialized assessment of the lesson plan.

**Paragraph U-114****Training**

The DPD shall provide all DPD recruits, officers and supervisors with annual training on arrests and other police-citizen interactions. Such training shall include and address the following topics:

- a. the DPD arrest, investigatory stop and frisk and witness identification and questioning policies;
- b. the Fourth Amendment and other constitutional requirements, including:
  - i) advising officers that the ~~%possibility+~~ that an individual committed a crime does not rise to the level of probable cause;
  - ii) advising officers that the duration and scope of the police-citizen interaction determines whether an arrest occurred, not the officer's subjective, intent or belief that he or she affected an arrest; and
  - iii) advising officers that every detention is a seizure, every seizure requires reasonable suspicion or probable cause and there is no legally authorized seizure apart from a ~~%Terry~~ stop+and an arrest; and
- c. examples of scenarios faced by DPD officers and interactive exercises that illustrate proper police-community interactions, including scenarios which distinguish an investigatory stop from an arrest by the scope and duration of the police interaction; between probable cause, reasonable suspicion and mere speculation; and voluntary consent from mere acquiescence to police authority.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Law of Arrest and Search and Seizure Lesson Plan*. On August 4, 2008, the DPD commenced annual in-service legal update training to its members. As of the week ending May 15, 2009, 75% of DPD members have been trained in these lesson plans.

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**Paragraph U-115**
**Training**


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The DPD shall provide all DPD recruits, officers and supervisors with annual training on custodial detention. Such training shall include DPD policies regarding arrest, arraignment, holds, restrictions, material witness and detention records.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-115, U-116 and U-117, the status of this paragraph is reported jointly under Paragraph U-117.

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**Paragraph U-116**
**Training**


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The DPD shall advise officers that the DPD arraignment policy shall not be delayed because of the assignment of the investigation to a specialized unit, the arrest charge(s), the availability of an investigator, the gathering of additional evidence or obtaining a confession.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

Due to the association between Paragraphs U-115, U-116 and U-117, the status of this paragraph is reported jointly under Paragraph U-117.

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**Paragraph U-117**
**Training**


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The DPD shall advise officers that whether an individual is a material witness and whether that material witness should be committed to custody is a judicial determination.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The CDDT incorporated these requirements in the *Use of Force Lesson Plan*. On November 9, 2007, the Monitor approved the *Use of Force Lesson Plan*. On August 4, 2008, the DPD commenced annual in-service use of force training to

its members. As of the week ending May 15, 2009, 75% of DPD members have been trained in these lesson plans.

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**Paragraph U-118**
**Training**


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The DPD shall provide supervisors with training in the appropriate evaluation of written reports, including what constitutes a fact based description, the identification of conclusory language not supported by specific facts and catch phrases, or language that so regularly appears in reports that its inclusion requires further explanation by the reporting officer.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Supervisory Leadership and Accountability Lesson Plan*, which incorporates the requirements of this paragraph. On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. As of the week ending May 15, 2009, nearly 65% of all supervisory personnel have attended this training.

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**Paragraph U-119**
**Training**


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DPD supervisors shall receive leadership and command accountability training and learn techniques designed to promote proper police practices. This training shall be provided to all DPD supervisors within 30 days of assuming supervisory responsibilities and shall be made part of annual in-service training.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Supervisory Leadership and Accountability Lesson Plan*, which incorporates the requirements of this paragraph. On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. As of the week ending May 15, 2009, nearly 65% of all supervisory personnel have attended this training.

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**Paragraph U-120**
**Training**


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The DPD shall provide training on risk assessment and risk management to all DPD supervisors, including the operation of the risk management database.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Supervisory Leadership and Accountability Lesson Plan*, which incorporates the requirements of this paragraph. On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. As of the week ending May 15, 2009, nearly 65% of all supervisory personnel have attended this training.

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**Paragraph U-121**
**Training**


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The DPD shall provide training on appropriate burdens of proof, interview techniques and the factors to consider when evaluating officer, complainant or witness credibility to all officers who conduct investigations to ensure that their recommendations regarding dispositions are unbiased, uniform and legally appropriate.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

The CDDT included the requirements of this paragraph as an addendum to the *Supervisory Leadership and Accountability Lesson Plan*, during the previous quarter, the Monitor approved the addendum to the lesson plan. On August 4, 2008, the DPD commenced annual in-service training, which includes the requirements of this paragraph. As of the week ending May 15, 2009, nearly 65% of all supervisory personnel have attended this training.

Additionally, elements of this paragraph are also inclusive to the *OCI/IA/FI Investigative Lesson Plan*, which was approved by the Monitor on October 22, 2008. During the quarter ending November 30, 2008, the DPD conducted training relative to this paragraph requirement to OCI/IA/FI personnel utilizing the *OCI/IA/FI Investigative Lesson Plan*.<sup>58</sup>

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**Paragraph U-122**
**Training**


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The DPD shall provide all supervisors charged with accepting external complaints with appropriate training on handling external complaints that emphasizes interpersonal skills. The DPD shall provide training on the DPD external complaint process, including the role of OCI and IAD in the process, to all new recruits and as part of annual in-service training.

**STATUS: IN SUBSTANTIAL COMPLIANCE WITH THE POLICY REQUIREMENT;  
EFFORTS MADE TOWARD COMPLIANCE**

On November 9, 2007, the Monitor approved the *Supervisory Leadership and Accountability Lesson Plan*, which incorporates the requirements of this paragraph. On August 4, 2008, the DPD commenced annual in-service training, which includes

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<sup>58</sup> OCI Investigators were trained on 11/6/2008 and IA/FI Investigators were trained on 11/12/2008.

the requirements of this paragraph. As of the week ending May 15, 2009, nearly 65% of all supervisory personnel have attended this training.

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**Paragraph U-123****Training**

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The DPD shall develop, subject to DOJ approval, a protocol to enhance the FTO program within 120 days of the effective date of this Agreement. The protocol shall address the criteria and method for selecting and removing the FTO(s) and for training and evaluating FTO(s) and trainees.

**STATUS: IN PARTIAL COMPLIANCE**

On April 11, 2006, the DOJ sent the DPD a letter granting the DPD conditional approval for the DPD's FTO Protocol. Subsequently, the protocol was revised to meet the concerns of the DOJ that prompted the initial conditional approval. This revised protocol was forwarded to the DOJ on April 26, 2007, for their review. The DOJ responded on October 16, 2007, with approval and additional recommendations, which have been subsequently incorporated into the protocol. The Monitor found the DPD in partial compliance in her report for the quarter ending February 28, 2009.

The Training Center conducted training to 30 eligible officers on the FTO Program during the dates of December 15 through 19, 2008, and another 20 officers were trained on May 4 through 8, 2009.



## CONCLUSION

The DPD personnel have made considerable progress toward compliance during the 23<sup>rd</sup> Quarter. The 23<sup>rd</sup> Quarter Status Report details significant steps taken to effectively audit the operations of district holding cells to evaluate compliance with specific paragraphs found within the COC CJ. In addition, the DPD's AT continues to enhance its auditing practices and performance in an effort to provide effective evaluations and recommendations to improve the DPD's operations to ensure compliance with both CJ(s).

The 23<sup>rd</sup> Quarter Status Report also exemplifies the DPD's continued commitment toward professionalizing its members with on-going training in an effort to ensure that both our civilian and police personnel have the needed tools to complete the desired tasks as it relates to achieving compliance with the CJ(s).

The DPD continues to strive to achieve compliance with the mandates of the CJ(s). Overall, the report displays the DPD's genuine commitment to conform to the standards and requirements set forth in the CJ(s).